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GOVERNMENT OF BOMBAY.
FOREST DEPARTMENT.

STANDING ORDERS
OF THE
FOREST DEPARTMENT,
BOMBAY PRESIDENCY.

*This Volume contains the Standing Orders, Rules, and Forms applicable
to Forest matters as issued from time to time by His Excellency the
Governor in Council,*

WITH

An Index and list of Government Resolutions quoted in the body of the book

Corrected up to end of October 1910.



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COMPILATION OF STANDING ORDERS OF THE GOVERNMENT OF BOMBAY.

FORESTS.

CHAPTER I.

ORGANIZATION OF THE FOREST SERVICE.

I. CONSTITUTION OF THE FOREST DEPARTMENT.

1. The compilation of this book was ordered in Government Resolution No. 1880, dated 9th March 1904. It contains orders of Government issued up to end of October 1910.

A. Imperial Branch.

Appointments.

2. Candidates who have obtained the diploma in Forestry at Oxford University, and are found to be of sound constitution and free from physical defects (the final decision on which points will rest with the Secretary of State for India), will be appointed Assistant Conservators in the Forest Department of India, in the order of their standing at the end of the final examination held at the University.

3. Within a month of his nomination as Assistant Conservator, each nominee must sign articles of agreement describing the terms and conditions of his appointment, he must embark for India when required to do so, by the Secretary of State, and will be provided with a free passage. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

4. The pay of an Assistant Conservator of Forests will begin from the date of reporting his arrival in Bombay to the Under Secretary, Revenue Department. Probationers who acquit themselves creditably during their course at Oxford will begin on a salary of Rs. 380 a month.

5. The Bombay branch of the Imperial Forest Service comprises the following appointments :—

No.	Designation.	Amount.
<i>Imperial Forest Service.</i>		Rs.
1	Conservator, 1st Grade	1,900
1	Do, 2nd Grade	1,700
1	Do, 3rd Grade	1,500
22	Deputy and Assistant Conservators, pay Rs. 380, rising in 20 years to Rs. 1,250, mean pay Rs. 817 each.	17,974
2	Deputy and Assistant Conservators, pay Rs. 380, rising in 20 years to Rs. 1,250, mean pay Rs. 817 each, for India List appointments.	1,834
27	Total ...	24,708

I. Constitution of the Forest Department.

A. IMPERIAL BRANCH—continued.

Appointments—continued.

Conservators will not be entitled to receive exchange compensation allowance; and no acting promotion from grade to grade will be allowed for privilege leave vacancies.*

There are now 24 Deputy and Assistant Conservators excluding the 4 pilot appointments absorbed in the Provincial Service, and the pay of these Officers is fixed on the length of service according to the following scale:—

In the 1st year of service	Rs. 380 per mensem.
" 2nd "	420 "
" 3rd "	460 "
" 4th "	500 "
" 5th "	540 "
" 6th "	580 "
" 7th "	620 "
" 8th "	660 "
" 9th "	700 "
" 10th "	750 "
" 11th "	800 "
" 12th "	850 "
" 13th "	900 "
" 14th "	950 "
" 15th "	1,000 "
" 16th "	1,050 "
" 17th "	1,100 "
" 18th "	1,150 "
" 19th "	1,200 "
" 20th and following years of service	1,250 "

The above scale of pay takes the place of the former grade pay, officiating allowances (below administrative rank) and exchange compensation allowance, but it will not affect existing special and local allowances such as those set forth in the Forest Department Code, and the corresponding allowances in Bombay and Madras. These allowances are granted to meet special conditions which remain unaltered.

(i) Whilst drawing pay up to and including Rs. 540 a month an Officer will be styled "Assistant Conservator" and when drawing pay at Rs. 580 per mensem and upwards he will have the rank of a Deputy Conservator.

(ii) Until he has passed the examinations prescribed in Article 74, Forest Department Code, an Assistant Conservator may not draw pay at a higher rate than Rs. 460 a month. On passing the examinations he will resume drawing pay under the time-scale at the rate to which his length of service entitles him.

(iii) Local Governments are authorized to stop the incremental rise of pay of any Officer whose work, in its opinion, is not of a satisfactory nature.

Substitute the following for the existing section :

(1) Local Governments may sanction to any specially appointed working-plans officer and to any officer appointed to assist him an allowance for the period during which these officers are specially employed on such work, provided that the total amount of such allowance or allowances does not exceed Rs. 100 per mensem. In the case of a Divisional Officer entrusted with the compilation of a working-plan in addition to his ordinary duties, the Local Government, if satisfied that the plan has entailed very considerable extra labour, may sanction to that officer and to any officer employed to assist him in the compilation of the plan a similar allowance, provided that the total amount of the allowance or allowances does not exceed Rs. 100 per mensem. The amount of the allowance to be given to each officer and the period for which it is granted in the case of each will be decided, on the merits of each case, by the Local Government concerned..

The allowances referred to above will be treated as compensatory.

In the foot-note for ' || ' " Government Resolution.No. 3270, dated 1st April 1909 " *substitute* the following :—

Revised section 39 (1) of the Forest Department Code, 7th Edition.

I. Constitution of the Forest Department.

A. IMPERIAL BRANCH—*continued*.

Appointments—*concluded*.

(iv) As heretofore a Deputy Conservator officiating as a Conservator will be entitled to a salary equal to the pay of the lowest grade of Conservator.*

These appointments are reserved for the Imperial Forest Service, provided that a number up to 6 appointments, in the Bombay Presidency, in the classes of Deputy and Assistant Conservators combined, as opportunity occurs, be absorbed into the Provincial Forest Service.†

6. Officers entering the Forest Service will be required to contribute a subscription, ranging from a compulsory minimum of 5 per cent. up to a voluntary maximum of ~~25~~ 25 per cent. of their salary, to the General Provident Fund. Such contributions, with compound interest amounting to 4 per cent., will accumulate till the date of retirement, when the total sum will be paid to the contributor, or in the event of death before retirement to his legal representative.‡

Allowances.

7. The extra allowance of Rs. 100 granted to a Deputy Conservator in charge Sind Circle, vide Government Resolution No. 2845, dated 5th April 1905, is extended to the case of a Deputy Conservator in administrative charge of any Forest Circle in Bombay on the understanding that the Deputy Conservators will only be put in charge of any of the Bombay Presidency Circles proper as a temporary expedient to avoid unnecessary transfers for short periods.§

7a. *Working Plans*.—The Bombay Government may, when a working plan has been approved and accepted, sanction to any officer who may have been in charge of such plan, a remuneration which shall not exceed Rs. 100 per mensem for the time during which he has been at work on such plan. In the case of a specially appointed working plans officer, no remuneration shall be granted unless the Local Government is satisfied that the officer has undergone exceptional exposure or incurred exceptional expenditure. In the case of a Divisional Officer entrusted with the compilation of a working plan in addition to his ordinary duties, the Local Government, if satisfied that the plan has entailed very considerable extra labour, may sanction a similarly limited remuneration. The amount of the allowance and the period for which it is granted will be decided on the merits of each case, by the Local Government concerned.||

* Government Resolution, Revenue Department, No. 3665, dated 4th April 1907.

† Government of India Circular No. 17-F, dated 4th November 1896.

‡ Proceedings of the Government of India in the Finance and Commerce Department, No. 2881-P, dated 1st July 1896.

§ Government Resolution, Revenue Department, No. 8098, dated 8th August 1908.

|| Government Resolution No. 3270, dated 1st April 1909.

I. Constitution of the Forest Department.

A. IMPERIAL BRANCH—continued.

Allowances—concluded.

When two or more officers have been in charge of the same plan or plans, the remuneration granted should be divided in proportion to the time that each officer was in charge, subject to the considerations of the quality of the work and labour entailed in each case.*

In the case of two officers collecting data for a working plan, of which one is acting under orders of the other, the senior officer only is eligible to receive extra allowance. [Read letter from Government of India No. 520-164—2F, dated 8th June 1897.]†

7b. An allowance of Rs. 150 per mensem is allowed to the Divisional Forest Officer, Surat, for holding charge, in addition to his divisional duties, of the Assistant Political Agent's Office in the Dangs.‡

Dang's allowance in
Surat District.

Examination allowance.

7c. For examination allowance *vide* section 70.

7d. An officer deputed on special duty may be allowed to draw the pay or salary which, but for his deputation, he would have continued to draw either as substantive or officiating. If the duties involve a decided increase of work or responsibility in comparison with the duties of his regular appointment, or require a change of station, the officer may, in addition, be allowed to draw a deputation allowance which may not, except in special cases and with the special sanction of the Government of India, exceed one-fifth of his salary, or Rs. 10 a day, whichever is less.§

Deputation allowance.

8. The allowances of Forest Officers of all classes and grades and of office employes acting in a higher class or grade than their own, are governed by the provisions of the Civil Service Regulations.

Allowances when acting
in a higher class or grade.

9. Officers of the Forest Department can claim travelling allowances only under the rules laid down in the Civil Service Regulations.

Travelling allowance.

Promotions.

10. Promotion, leave and pensions will be governed by the regulations laid down by the Government of India and made applicable to Forest Officers, such regulations being subject to any modifications or alterations which may be made in them.

Promotion, leave and
pension.

* Government Resolution, Revenue Department, No. 8331, dated 11th October 1894.

† Government Resolution, Revenue Department, No. 4822, dated 28th June 1897.

‡ Government Resolution No. 7984, dated 14th November 1903.

§ Civil Service Regulations, 4th edition, Article 81, and Government Resolution, Financial Department, No. 1875, dated 20th May 1884.

Page 4, Section 7-A.

Add the following clause:—

When a Divisional Officer completes a working plan in addition to his own duties, and also in the rare cases in which a specially appointed Working Plans Officer may be recommended for remuneration, the Conservator shall of his own motion report to Government whether any allowance should be granted. The recommendation for an allowance should depend upon—

- (a) the manner in which the work has been done and the Plan has been prepared,
- (b) the area and revenue of the range involved, and
- (c) the additional labour thrown upon the officer concerned.||

Add the following to the foot-note:—

|| Government Order, R. D., No. 7142, dated 19th July 1916.

I. Constitution of the Forest Department.

A. IMPERIAL BRANCH—continued.

Promotions—concluded.

from time to time by the Government of India, and their interpretation in case of any doubt arising, being left to that Government.*

Promotion not regulated by seniority alone. 11. Promotion will not be given and cannot, under any circumstances, be claimed, on grounds of seniority alone.†

Acting appointments in circles. 12. The present system in the Forest Department under which the junior acting officer on the general list is displaced by the return to duty of a permanent incumbment, might and apparently sometimes does, lead to a reduction of establishment in one circle in consequence of an addition to the strength of another. Instead of the present practice, the rule should obviously be that on the return to duty of a permanent incumbent, the junior acting officer in the circle to which the permanent incumbent returns should (failing special orders of Government to the contrary) be displaced. It is meant by the above orders that when a higher officer in a circle goes on leave, a lower official in that circle officiates.‡

Officiating, substantive *pro tem.*, carried by "pilot" appointment. 13. An officer of the Imperial Service, who stands on the list next below the 'transferred appointment, should act in the higher grade, and that the permanently substantive step should go to the Provincial Service only when the appointment in question is transferred permanently and not temporarily to that service.§

Grant of substantive promotion to officers lent on foreign service. 13a. The claims to substantive promotion of officers on foreign service will be considered and normal promotion will be granted if the duties and the character of his foreign service are such as to qualify him for promotion.

If the controlling authority considers that the transferee's fitness for promotion in British Service is becoming impaired by long absence in foreign service a warning should be issued to the officer responsible for his retention in foreign service.¶

Leave.

Leave rules. 14. Leave rules, as given in the Civil Service Regulations, apply to Gazetted Forest Offices.¶

Application for leave. 15. Gazetted officers should give the earliest possible intimation of their intention to apply for leave to the Private Secretary, for the information of His Excellency the Governor.§

* Government Resolution No. 200, dated 10th January 1898.

† Bengal Forest Department Code, clause 42, 5th edition.

‡ Government Resolutions No. 5634, dated 7th August 1886; and No. 2398, dated 21st April 1887.

§ Circular letter from the Government of India, No. 1-F, dated 3rd January 1901, *vide* Government Resolution No. 1180, dated 18th January 1901.

¶ Government Resolution, Financial Department, No. 3890, dated 12th October 1906.

* Government Resolution No. 2478, dated 23rd July 1894.

§ Government Resolution No. 11, dated 3rd January 1895.

I. Constitution of the Forest Department.

A. IMPERIAL BRANCH—*continued.*

Leave—*continued.*

16. Leave on urgent private affairs and privilege leave may be granted now to officers of the Forest Department when Government are satisfied of the absolute necessity for the leave applied for, and can arrange for the conduct of the duties of applicants during their absence.*

Urgent private affairs and privilege leave.
Certificate required when on leave in ill-health before returning.

17. Officers granted long leave to Europe on account of ill-health will not be permitted to return to duty unless they first obtain a certificate of fitness for duty in India.†

18. Casual leave may be granted by heads of offices to subordinates for periods of not more than 20 days in each year or 7 days at one time. Under Government Resolution No. 492, dated 8th February 1875, the responsibility for seeing that the concession of casual leave is kept within proper and prescribed limits, and for reporting any abuse, rests on heads of offices.‡ Only in most exceptional circumstances should casual leave be extended to 10 days at one time. It cannot be added to public holidays or any other leave.§

19. Officers who may leave their posts on unofficial leave carry their responsibilities with them. Casual leave can never be admitted as a plea for anything going wrong. It is advisable to discourage as much as possible all allusion in official documents to casual leave.||

Casual leave in conjunction with other leave only under certain conditions.

20. Casual leave cannot be attached to other leave or public holidays.¶

Public holidays can be enjoyed other than at the gazetted time.

21. Government servants who have to attend to emergent work during general holidays are entitled to subsequent leave to make up for it.§

22. No Gazetted Officer of Government, who is in receipt of furlough or leave allowance, may, without the special orders of the Government of India, take service under any other employer in India, and no such officer, whose services have been lent to any other employer in India, can take leave or obtain leave allowances from the

* Government Resolution No. 1356-Fam., dated 24th June 1897.

† Government Resolution, Financial Department, No. 3354, dated 31st July 1897.

‡ Financial Department Circular No. 4192, dated 26th October 1907.

§ Government Resolution No. 9, dated 4th January 1897.

|| Government Resolution No. 492, dated 8th February 1875; and Government of India, Financial Department, No. 32, dated 7th January 1876.

¶ Government Resolutions No. 4490, dated 7th July 1888; and No. 320, dated 22nd January 1876.

§ Government Resolution, General Department, No. 7182, dated 22nd December 1902. Government Resolution No. 1368, dated 2nd May 1874.

I.

Section 18, page 6.

Add the following to this section:—

“This order does not debar the inclusion of holidays in casual
the limits prescribed above are not exceeded.”

2.

To Foot note ‘§’, page 6.

Add:— ‘and No. 4539, dated 9th July 1903, Revenue Department, and No.
November 1910, Financial Department.’”

I. Constitution of the Forest Department.

A. IMPERIAL BRANCH—concluded.

Leave—concluded.

Government of India, unless he actually quits his employment for a period of such leave. In the case of a non-gazetted officer the previous consent of his departmental superior is sufficient.*

23. As a rule, privilege leave will not be granted to Forest Officers during the hot weather months. Except for very special reasons, privilege leave should not be applied for and cannot be granted to Forest Officers during the cold season, as they cannot leave their districts without detriment to the public interest.†

Leave during the working season.

Pensions.

Pension rules (see Civil Service Regulations).

24. The pension rules for Gazetted Forest Officers on the Imperial and Provincial Forest lists are governed by the rules given in the Civil Service Regulations.

25. Conservators of Forests who have rendered not less than three years' effective service in any grade may, provided they have shown special energy and efficiency during such service, be allowed by the Government of India an additional pension of Rs. 1,000 per annum, under Article 475 of the Civil Service Regulations (4th edition), subject to the condition that, if a Conservator voluntarily retires and has served only in the Second or Third Grade or has rendered less than three years' active service in the First Grade, he must have completed 28 years' total qualifying service in order to be eligible for the concession.‡

Extra pension to Conservators.

Transfers.

26. Instances have occurred wherein officers transferred from one appointment to another have, without awaiting the arrival of the person appointed to relieve them, delivered over charge to Junior Assistants and quitted the station without orders. I am directed to inform you that the Right Honourable the Governor in Council is pleased strictly to prohibit such an irregularity, and to direct that no officer so circumstanced make over the office of which he may be in charge to any person except the person regularly appointed to this situation, unless a special order of Government authorize any other mode of procedure.§

An officer transferred should only give over charge to the officer appointed by Government to take his place.

Resignation.

27. The Government of India alone have the power to accept the resignation of officers of the Imperial Forest Service.

Resignation.

* Government Resolution, Financial Department, No. 2635, dated 6th June 1899.

† Government Resolutions No. 6553, dated 8th December 1879; and No. 1558, dated 24th March 1874.

‡ Government Resolution No. 6897, dated 16th July 1909.

§ Circular No. 627, dated 23rd January 1833.

I. Constitution of the Forest Department.

B. Provincial Forest Service.

Appointments.

28. In pursuance of the principles laid down by the Government of India in paragraph 6 of their Resolution No. 31—166 4-F., dated 9th October 1906, the Governor in Council is pleased to prescribe the following revised rules for appointment to the Bombay Provincial Forest Service, in supersession of the rules published in Part I of Government Notification No. 5708, dated 26th July 1904.

No one who is not thoroughly fitted for the Provincial Forest Service ought to be recommended for it, merely on the ground of seniority. Men who have received direct nomination will, in the absence of special circumstances, if clearly better fitted, be given preference over others clearly less well fitted, though not altogether unfitted for promotion to the Provincial Forest Service.

When a vacancy occurs or is likely to occur in the Provincial Forest Service, the Senior Conservator of Forests should obtain the recommendations of each Conservator and Deputy Conservator in charge of a Circle and submit to Government a nomination roll showing the nominees of each Circle (including his own) in the order of their seniority on the Presidency list, and the grounds upon which they are severally recommended, together with a list of the directly appointed candidates on probation who are eligible for appointment. If the vacancy is to be filled under clauses (a) and (b) of Rule 1 Government will select from this nomination roll the Ranger they consider best fitted for promotion to the Provincial Forest Service. Seniority will carry weight only in the event of other claims to promotion being considered equal; merit and physical and general suitability for the service will be the main considerations.

1. The Governor in Council is pleased to direct, in supersession of all previous rules and orders regulating admission to the Provincial Forest Service of Bombay, that, subject to the satisfaction of the claims of persons already qualified under the rules hitherto in force, from the date of publication of these rules appointments to this service shall be made:—

(a) by promotion of Forest Rangers of not less than five years' satisfactory service, who have passed through the course of training at the College of Science, Poona, or the Imperial Forest College, Dehra Dun, whether as stipendiary or private students, and have obtained a Ranger's certificate or its equivalent;

(b) by promotion of Forest Rangers of long service and of tried ability and probity irrespective of the educational certificates they may hold;

(c) by promotion of selected Forest Rangers who have obtained the Higher Standard certificate at the Imperial Forest College, Dehra Dun, and who have been permitted to re-enter the College for a third year's course; and

Substitute the following rules for those given in Nos. 1 to 7 :— •

1. The Governor in Council is pleased to direct, in supersession of all previous rules and orders regulating admission to the Provincial Forest Service of Bombay, that subject to the satisfaction of the claims of persons already qualified under the rules hitherto in force, from the date of publication of these rules appointments to this service shall be made :—

(a) by promotion to Extra Assistant Conservator of Forests of Forest Rangers of approved efficiency and satisfactory conduct who have passed through the course of training at the College of Science, Poona, and have obtained a Ranger's certificate or its equivalent ; or who have obtained the Higher Standard certificate at the Forest Research Institute and College, Dehra Dun, and thereafter rendered not less than five years' satisfactory service as Rangers ;

(b) by direct appointment of candidates who have completed the two years' Provincial Service course at the Forest Research Institute and College, Dehra Dun.

2. The Governor in Council reserves to himself the right to fill all vacancies in either of the ways described in rule 1 as he may consider best in the interests of the public service, and in such order as may be deemed advisable.

3. The senior Conservator of Forests will keep a list showing the names of all Rangers in order of seniority for the whole Presidency, and their general qualifications for promotion as recorded from time to time by each Conservator or Deputy Conservator in charge of a Circle.

4. When Government propose to nominate to a direct appointment notice inviting applications will be given in the *Bombay Government Gazette*.

5. A candidate for direct nomination must be not less than 18 nor more than 24 years of age. He will be required to produce the following certificates :—

(i) A certificate that he is "a Native of India" as prescribed in section 6 of 33 Victoria, Chapter 3.

(ii) A certificate of age.

(iii) A health certificate in the form prescribed by Article 49 of the Civil Service Regulations (Fifth Edition), signed by a Commissioned Medical Officer or by a Medical Officer in charge of a Civil Station and certifying to the nominee's sound constitution, good vision and hearing and general physical fitness for an outdoor life in the Forest Department, and to the fact that he bears marks of successful vaccination or of small-pox.

(iv) Certificates of the examinations which have been passed by him.

(v) A certificate of respectability and good moral character from two or more persons whose social or official position can be accepted as a guarantee of trustworthiness.

6. In selecting from amongst the candidates a person for direct nomination, very great weight will be given to high educational qualifications, and only candidates who are in all respects qualified by previous education, more especially in Science, English and Mathematics, to follow the course of instruction will be nominated. The scope of the candidate's actual attainments more especially in

English, Science and Mathematics will, if necessary, be tested at the time of selection. In Mathematics the candidate should know Arithmetic, Algebra up to and including Quadratic Equations and simple problems, Geometry (the first three books of Euclid) and the elements of Trigonometry including the solution of triangles and the use of logarithms.

7. (1) A candidate selected for direct nomination will be required :—

(a) to find two sureties to execute a bond guaranteeing that under special circumstances they will refund all monies expended by Government on the candidate's behalf, etc. ;

(b) to undergo a practical training extending over not less than six months in such forests as may be prescribed to him in order to give proof of his fitness for forest work. Such course of training will ordinarily commence on November 1st, *i. e.*, one year before entry to the College, and the candidate's final selection for nomination will depend upon the proof which he gives during this training of his suitability for service in the Forest Department.

(2) While undergoing the training prescribed in clause (1) of this rule the selected candidate will receive a stipend of Rs. 50 per mensem and will be entitled to travelling allowance under the Civil Service Regulations.

8. A candidate finally selected under rule 7 (1) (b) will be required :—

(a) to proceed to the Forest Research Institute and College, Dehra Dun, and go through the two years' Provincial Service course at the College ;

(b) to sign an agreement binding himself to work diligently while at the College and to serve Government for not less than five years after passing out of the College.

9. A selected candidate may on arrival at the College be required to undergo an examination in English and Mathematics. Failure to pass this examination will entail the cancellation of his nomination.

10. While at the College the selected candidate will receive a stipend of Rs. 100 per mensem payable from the date of his entry into the College. The stipend is not payable for periods of vacation. Should the periodic report of the nominee's progress or conduct be unsatisfactory, the payment of the stipend will be stopped until improvement is reported, and should the periodic reports continue to be unsatisfactory, the nomination will be cancelled and the nominee will not be allowed to complete the course.

11. After the conclusion of the Provincial Service course a selected candidate who is certified to have passed it satisfactorily will be appointed to the Bombay Provincial Forest Service as Probationary Extra Assistant Conservator of Forests on probation for a period of one year, which may be extended to three years or more at the discretion of Government. A Probationary Extra Assistant Conservator will be placed in executive charge of a Range or Forest Sub-Division, and will receive during the first three years of his probation a salary of Rs. 150 per mensem, and thereafter Rs. 200 per mensem until he is appointed to a vacancy of Extra Assistant Conservator in the sanctioned cadre of the Provincial Forest Service.

12. Every officer appointed to the Provincial Forest Service whether by promotion or by direct nomination will be required to pass, if he has not already passed, an examination according to the Higher Standard in at least one language of the Presidency other than his own vernacular.

I. Constitution of the Forest Department.

B. PROVINCIAL BRANCH—continued.**Appointments—continued.**

(d) by direct appointment as probationary Extra Assistant Conservators of Forests of candidates who must complete a full three years' course at the Imperial Forest College, Dehra Dun, and thereafter render not less than three years' satisfactory service as Rangers in executive charge before being confirmed.

Every officer appointed to the Provincial Forest Service will be required to pass an examination according to the Lower Standard in at least one language of the Presidency other than his own vernacular. Those selected under (a), (b) and (c) must have passed the examination before actual appointment.

2. Direct appointments under clause (d) of the preceding rule will be made in no fixed order, and the Governor in Council reserves to himself the right to fill all vacancies in such of the four ways described as he may consider best in the interests of the public service. As opportunities occur nominations to direct appointments will be offered to men whether already entered at the Imperial Forest College or not, and a nominee will ordinarily receive a stipend of Rs. 100 per mensem from the date of his entry into the College, or the date of his nomination, whichever is later. When Government propose to nominate to a direct appointment, notice inviting applications will be given in the *Bombay Government Gazette*. In making nominations of persons not already in the College very great weight will be given to high educational qualifications. It will generally be expected that a nominee should obtain the Honours certificate at the College; should he fail to do so, it will depend largely on the recommendation of the Principal of the College whether he should be allowed to proceed to the third year's course and continue to be accepted as a prospective member of the Provincial Forest Service. Should, however, the Principal recommend any such nominee, who having failed to get Honours, has nevertheless obtained the Higher Standard certificate on the ground that he has displayed such special ability, character and other qualifications as are likely to render him a useful member of the Provincial Forest Service, the nominee will usually be permitted to take the third year's course. A nominee permitted to take the third year's course, whose entry on that course is postponed owing to there being no vacancy in the College, will ordinarily be employed, so far as may be practicable, on executive work, and while so employed will ordinarily continue to receive a stipend of Rs. 100 per mensem. After the conclusion of that course nominees certified to have passed it satisfactorily will be appointed to the Provincial Forest Service on probation for a period of three years liable, however, to be further extended at the discretion of Government. The probationer will be placed in executive charge of a Range and will receive, during his probation, a salary of Rs. 150 per mensem and thereafter of Rs. 200 per mensem until he can be appointed to a vacancy in the sanctioned cadre of the Provincial Forest Service.

3. The Conservators and Deputy Conservator of Forests in charge of Circles will be at liberty to recommend through the Senior Conservator selected

I. Constitution of the Forest Department.

B. PROVINCIAL BRANCH—*continued.*

Appointments—continued.

Rangers who have obtained the Higher Standard certificates of the Imperial Forest College, and who in the Conservators' opinion have shown such ability as is likely to make them efficient members of the Provincial Forest Service, for permission to re-enter the College for a third year's course in order to qualify for Provincial Forest Service appointments. Rangers who obtain this permission will, while at the College, draw a stipend of Rs. 100 per mensem, or the pay of their grade and the travelling allowances to which they may be entitled under the Civil Service Regulations, whichever be greater. Before obtaining appointments in the Provincial Forest Service, they must have held executive charge of a Range for a total period of three years either before or after their re-entry into the College.

4. The Senior Conservator of Forests will keep a list showing the names of all Rangers in order of seniority for the whole Presidency, and their general qualifications for promotion as recorded from time to time by each Conservator or Deputy Conservator in charge of a Circle.

5. A direct nominee under clause (d) of Rule 1 must not be less than 18 nor more than 22 years of age on the date of admission to the College. On nomination he will be required—

(a) to produce the following certificates:—

(i) a certificate that he is "a Native of India" as described in section 6 of 33 Victoria, Chapter 3;

(ii) a certificate of age;

(iii) a health certificate in the form prescribed by Article 49 of the Civil Service Regulations (Fourth Edition), signed by a Commissioned Medical Officer or by a Medical Officer in charge of a Civil Station and certifying to the nominee's sound constitution, good vision and hearing and general physical fitness for a rough outdoor life in the Forest Department and to the fact that he bears marks of successful vaccination or of small-pox;

(iv) a certificate that he has passed one or other of the following examinations, *viz*:—

(a) the B.A., F.A., B.Sc., or Licentiate of Agriculture examination;

(b) the Matriculation Examination, where no School Final Examination exists;

(c) the School Final Examination provided the nominee can show that he has qualified in English and Mathematics up to the Matriculation standard or, for a European nominee, a certificate of having passed the High School Examination with a similar proviso;

Substitute:—"Government Resolution, Revenue Department, No. 10618, dated 19th November 1912," for the four Government Resolutions quoted.

5.

Section 30, page 11.

Substitute the following under Provincial Forest Service :—

5 Extra Deputy Conservators on pay of Rs. 575—25—650
and Rs. 700 to Rs. 850

23 Extra Assistant Conservators on pay of Rs. 250—20—550.

NOTE.—A Forest Officer draws pay at Rs. 250 per mensem on appointment rising by annual increment of Rs. 20 to Rs. 550 after 15 years' service. On promotion to the upper 'controlling staff as Extra Deputy Conservator he will draw pay at Rs. 575 per mensem rising by annual increment of Rs. 25 to Rs. 650 per mensem. On completion of one year's service on Rs. 650 he may be promoted to Rs. 700 per mensem at the discretion of Local Government which may also promote him after a lapse of three years in each case to Rs. 800 and Rs. 850 per mensem. An officer promoted from the Subordinate Forest Service to the Provincial Forest Service shall count all periods, whether continuous or broken, of probationary service as Extra Assistant Conservator towards increments under the time-scale of pay "†".

6.

Footnote, page 11.

Substitute against '†' "Government Resolutions No. 7050, dated 24th November 1911, and No. 781, dated 24th January 1912" for "No. 6421, dated 3rd July 1909."

I. Constitution of the Forest Department.

B. PROVINCIAL BRANCH—continued.

Appointments—concluded.

(v) a certificate of respectability and good moral character from two or more persons whose social or official position can be accepted as a guarantee of trustworthiness ;

(b) to sign an agreement binding himself to work diligently while at the College and to serve Government for not less than five years after passing out of the College ;

(c) to find two sureties to execute a bond guaranteeing that under special circumstances they will refund all monies expended by Government on the nominee's behalf, etc. ;

(d) if not already entered at the College to undergo three and a half months' practical training in such forests as may be prescribed, giving proof of his fitness for forest work.

(Forms of agreement and bond may be procured from the Conservator or Deputy Conservator under whom the nominee may be placed.)

16. Selected Forest Rangers under clause (c) of Rule 1 before re-entering the College for a third year's course will be required to sign an agreement and furnish a security bond in the prescribed form.

7. Government reserve to themselves the power to make appointments for exceptional reasons otherwise than in accordance with the foregoing rules.*

29. No person, being a European or of European extraction, shall be deemed eligible for appointment to the post of Extra-Assistant Conservator of Forests, unless he shall have passed an examination according to the Higher Standard test, in one at least of the vernacular languages of the Bombay Presidency.†

30. The Bombay Provincial Forest Service comprises the following Gradation list and pay. appointments :—

No.	Provincial Forest Service.					Rs.
1	Extra Deputy Conservator, 1st grade	...	...	...	...	600
1	Do. do. 2nd grade	...	...	...	...	550
1	Do. do. 3rd grade	...	...	...	...	500
2	Extra Deputy Conservators, 4th grade, at Rs. 450 each	...	...	...	...	900
5	Extra Assistant Conservators, 1st grade, at Rs. 350 each	...	...	...	...	1,750
5	Do. do. 2nd grade, at Rs. 300 each	...	...	...	...	1,500
6	Do. do. 3rd grade, at Rs. 250 each	...	...	...	...	1,500
7	Do. do. 4th grade, at Rs. 200 each	...	...	...	...	1,400
28	Total					8,700‡

* Government Resolutions, Revenue Department, Nos. 10632, 7412 and 8150, dated respectively the 29th October 1907, 21st July and 12th August 1908 ; and Government Resolution No. 5588, dated 8th June 1909.

† Government Resolutions No. 9258, dated 18th November 1885 ; and No. 1889, dated 22nd February 1909.

‡ Government Resolution No. 6421, dated 3rd July 1909.

I. Constitution of the Forest Department.

B. PROVINCIAL BRANCH—concluded.

Allowances.

31a. Working Plans.—Allowances under this head for officers of the Provincial Service are the same as those allowed for officers of the Imperial Service [see Section 7a].
Special allowances in connection with working plans.

31b. Deputation allowances, admissible to officers of the Provincial Service, are governed by the rules laid down in the Civil Service Regulations.
Deputation allowance.

Allowances when acting in a higher class or grade and travelling allowance. **31c.** [See Sections 7f and 7g, on page 5, Standing Orders, Forests.]

31d. Two officers of the Provincial Service in the Bombay Presidency holding charge of "Major Control" may receive a special allowance of Rs. 50 per mensem when sanctioned by Government. The Major Control may be a division of Working Plan office.* This allowance should be granted only to officers who are considered to be fit for promotion in their turn to the post of Extra Deputy Conservator.†

Excess travelling allowance in East Khândesh, Panch Maháls and Surat Divisions for Extra Assistant Conservators in charge.

31e. An increase of 25 per cent. to the travelling allowances is admissible to any Extra Assistant Conservator who may from time to time be in charge of the East Khândesh, Panch Maháls, Surat or Kolába Divisions.‡

Promotions.

Selection for promotion.

32. Read Section 28 above.

33. No Extra Assistant Conservator, 4th grade, can be promoted until he has passed an examination in the language of his division according to the Higher Standard and also the Departmental Examination.§
Promotion from Extra Assistant Conservator, 4th grade.

Leave.

34. Leave rules, applicable to officers of the Provincial Forest Service, are similar to those for Imperial Officers. [See Sections 14, 16 and 18 to 23, Standing Orders, Forests.]
Leave to officers of the Provincial Forest Service.

Pensions.

Pensions.

35. Read Section 24, Standing Orders, Forests.

* Letter from the Government of India, Department of Revenue and Agriculture (Forests), No. 969-F-117-6, dated 12th December 1900; vide Government Resolution, Revenue Department, No. 3403, dated 18th May 1901, and Government Resolution No. 5685, dated 18th August 1891.

† Government Resolution, Revenue Department, No. 1446, dated 13th February 1906.

‡ Government Resolution No. 1107, dated 20th March 1896.

§ Government Notification No. 2, dated 3rd January 1894.

Page 12.

Insert the following in its proper place :—

- (31e) Any Extra Assistant Conservator temporarily placed in major charge will receive a local allowance of Rs. 50 per mensem ; but no officiating allowance of any kind will be given.

Note—The local allowance may be drawn in addition to personal allowance granted to such officers.**

- (31f) With reference to entry No. (c) (ii) in appendix 6, Civil Service Regulations, the Local Government may grant a charge allowance not exceeding Rs. 100 per mensem to officers of the Forest Department who are not in charge of a Forest Division, such as a Personal Assistant to a Conservator or a Working Plans Officer, but who are appointed temporarily to hold charge of a Division in addition to their own duties. ||

Add the following to the foot-note :—

|| Government Resolution, R. D., No. 7881, dated 1st September 1910.

** ~~Government~~ Resolution, R. D., No. 7050, dated 24th July 1911.

Section 31c, page 12.

~~Delete~~ section and renumber sections 31d and 31e making them 31c and 31d

Substitute the following for the above :—

His Excellency the Governor in Council is pleased to direct, in supersession of all previous rules and orders, that subject to the satisfaction of the claims of persons qualified under the rules hitherto in force and of those who at an examination held not later than in January 1904 may have obtained a certificate of successful training in the Forest Class at the College of Science, Poona, appointments to the Upper Subordinate Forest Service or Ranger Class shall be made—

(a) by promotion of subordinates of long service and tried ability and probity, irrespective of the special training they may have undergone or the educational certificates they may have obtained ;

(b) by promotion of foresters who have obtained the Lower Standard certificate after two years' training at the Forest College and Research Institute, Dehra Dun, and have rendered not less than two years' approved service as foresters ; and

(c) by direct appointment of candidates who have obtained the Higher Standard certificate after two years' training at the Forest College and Research Institute, Dehra Dun.

2. The Conservators and Deputy Conservator of Forests in charge of Circles shall, before July 1st each year, in consultation, decide the number of recruits required for the whole Presidency during the following year for vacancies likely to be filled up under clause (c) of rule 1.

3. The Senior Conservator of Forests shall report to Government what the requirements will be, and obtain sanction to notify in local newspapers the number of candidates to be selected.

4. The Senior Conservator shall notify to the public through the local newspapers the latest date up to which applications from candidates for training in the Rangers' course at the Forest College and Research Institute will be received ; and he shall, in consultation with the other Conservators and Deputy Conservator, Sind Circle, select from amongst the candidates, whose applications have been received, the number of men required for nomination as stipendiary students, provided a sufficient number of qualified candidates is available.

5. Candidates for training at the College must be not less than 18 nor more than 23 years of age on the date of admission to the College. They will be required to furnish with their applications the certificates enumerated below :—

(i) A certificate that the candidate is a "Native of India" as described in section 6 of 33 Victoria, Chapter 3.

(ii) A certificate of age.

(iii) A health certificate in the form prescribed by Article 49 of the Civil Service Regulations (Fifth Edition), signed by the Civil Surgeon of any one of the districts in which the Conservator's duties lie, and testifying to the candidate's sound constitution, good vision and hearing and general physical fitness for a rough out-door life in the Forest Department, and to the fact that he bears marks of successful vaccination or of small-pox.

(iv) A certificate of respectability and good moral character from two or more persons whose social or official position can be accepted as a guarantee of trustworthiness.

(v) A certificate that the candidate has passed one or other of the following examinations, *viz.* :—

(a) the B.A., F.A., B.Sc., or Licentiate of Agriculture Examination ;

(b) the Matriculation Examination, where no School Final Examination exists ;

(c) the School Final Examination, provided the candidate can show that he has qualified in English and Mathematics up to the Matriculation Standard or, for European candidates, a certificate of having passed the High School examination with a similar proviso.

N. B.—The certificates (iii) and (iv) must bear date not further back than April 1st of the year previous to that in which the candidate desires admission to the College.

6. The students selected under rule 4 will contract certain obligations and acquire certain privileges, *viz.* :—

(a) They must undergo $3\frac{1}{2}$ months of practical training in such forests as may be prescribed and give proof of their fitness for forest work. Any selected candidate who fails in this test will not be allowed to proceed to the College except with the express permission of Government.

(b) They must sign an agreement binding themselves to work diligently while at the College, and to serve Government for not less than five years after passing out of the College.

(c) They must find sureties to execute a bond guaranteeing that under special circumstances they will refund all monies expended by Government on the student's education.

(d) They acquire the privilege of receiving a stipend during the period of training at the College, and a guarantee of an appointment worth not less than Rs. 50 per mensem, provided they pass out satisfactorily.

(Forms of agreement and bond may be procured from the Senior Conservator who nominated the student.)

7. The Conservators and Deputy Conservator in charge of Circles will be responsible for the preliminary training of students appointed by the Senior Conservator to their respective Circles for the purpose of being trained, and they will be empowered to pay such students a travelling allowance of Rs. 25 per mensem during the period of such training.

8. While at the College each selected candidate will receive a stipend of Rs. 40 per mensem, if he is a Native of India, and of Rs. 50 per mensem, if he is an European or Anglo-Indian, payable from the date of his entry into the College. The stipend is not payable for periods of vacation. The continuance of payment of the stipend will, however, be conditional upon a certificate being passed by the President at the end of each term that the student has made proper use of his opportunities for instruction during that term. Should the report of the President be unfavourable, the payment of the stipend will be stopped until such time as the President certifies that by his better application to work the student deserves to receive it ; and arrears of stipend will then be paid to him. If, on the contrary, the report of the President at the end of the subsequent term should still be unfavourable, the student will forfeit his nomination and be withdrawn from the College.

I. Constitution of the Forest Department.

B. PROVINCIAL BRANCH—*concluded*.

Allowances.

31a. Working Plans.—Allowances under this head for officers of the Provincial Service are the same as those allowed for officers of the Imperial Service [*see* Section 7a].
Special allowances in connection with working plans.

31b. Deputation allowances, admissible to officers of the Provincial Service, are governed by the rules laid down in the Civil Service Regulations.
Deputation allowance.

Allowances when acting in a higher class or grade and travelling allowance. **31c.** [*See* Sections 7f and 7g, on page 5, Standing Orders, Forests.]

31d. Two officers of the Provincial Service in the Bombay Presidency holding charge of "Major Control" may receive a special allowance of Rs. 50 per mensem when sanctioned by Government. The Major Control may be a division of Working Plan office.* This allowance should be granted only to officers who are considered to be fit for promotion in their turn to the post of Extra Deputy Conservator.†

Excess travelling allowance in East Khándesh, Panch Maháls and Surat Divisions for Extra Assistant Conservators in charge. **31e.** An increase of 25 per cent. to the travelling allowances is admissible to any Extra Assistant Conservator who may from time to time be in charge of the East Khándesh, Panch Maháls, Surat or Kolába Divisions.‡

Promotions.

Selection for promotion.

32. Read Section 28 above.

33. No Extra Assistant Conservator, 4th grade, can be promoted until he has passed an examination in the language of his division according to the Higher Standard and also the Departmental Examination.§
Promotion from Extra Assistant Conservator, 4th grade.

Leave.

34. Leave rules, applicable to officers of the Provincial Forest Service, are similar to those for Imperial Officers. [*See* Sections 14, 16, and 18 to 23, Standing Orders, Forests.]
Leave to officers of the Provincial Forest Service.

Pensions.

Pensions.

35. Read Section 24, Standing Orders, Forests.

* Letter from the Government of India, Department of Revenue and Agriculture (Forests), No. 969-F-117-6, dated 12th December 1900; *vide* Government Resolution, Revenue Department, No. 3403, dated 18th May 1901, and Government Resolution No. 5685, dated 18th August 1891.

† Government Resolution, Revenue Department, No. 1446, dated 13th February 1906.

‡ Government Resolution No. 1107, dated 20th March 1896.

§ Government Notification No. 2, dated 3rd January 1894.

I. Constitution of the Forest Department.

B. PROVINCIAL BRANCH—continued.

Appointments—concluded.

(v) a certificate of respectability and good moral character from two or more persons whose social or official position can be accepted as a guarantee of trustworthiness ;

(b) to sign an agreement binding himself to work diligently while at the College and to serve Government for not less than five years after passing out of the College ;

(c) to find two sureties to execute a bond guaranteeing that under special circumstances they will refund all monies expended by Government on the nominee's behalf, etc. ;

(d) if not already entered at the College to undergo three and a half months' practical training in such forests as may be prescribed, giving proof of his fitness for forest work.

(Forms of agreement and bond may be procured from the Conservator or Deputy Conservator under whom the nominee may be placed.)

6. Selected Forest Rangers under clause (c) of Rule 1 before re-entering the College for a third year's course will be required to sign an agreement and furnish a security bond in the prescribed form.

7. Government reserve to themselves the power to make appointments for exceptional reasons otherwise than in accordance with the foregoing rules.*

29. No person, being a European or of European extraction, shall be deemed eligible for appointment to the post of Extra-Assistant Conservator of Forests, unless he shall have passed an examination according to the Higher Standard test, in one at least of the vernacular languages of the Bombay Presidency.†

30. The Bombay Provincial Forest Service comprises the following Gradation list and pay. appointments :—

No.	Provincial Forest Service.					Rs.
1	Extra Deputy Conservator,	1st grade	...	...	...	600
1	Do.	2nd grade	...	...	...	550
1	Do.	3rd grade	...	...	...	500
2	Extra Deputy Conservators,	4th grade, at Rs. 450 each	...	...	...	900
5	Extra Assistant Conservators,	1st grade, at Rs. 350 each	...	...	...	1,750
5	Do.	2nd grade, at Rs. 300 each	...	...	...	1,500
6	Do.	3rd grade, at Rs. 250 each	...	...	...	1,500
7	Do.	4th grade, at Rs. 200 each	...	...	...	1,400
Total						8,700‡

* Government Resolutions, Revenue Department, Nos. 10632, 7412 and 8150, dated respectively the 29th October 1907, 21st July and 12th August 1908 ; and Government Resolution No. 5588, dated 8th June 1909.

† Government Resolutions No. 9258, dated 18th November 1885 ; and No. 1889, dated 22nd February 1909.

‡ Government Resolution No. 6421, dated 3rd July 1909.

Section 37, page 15.

Renumber it and make rule '9.'

Foot note '*' to section 36, page 15.

For "8149, dated 12th August 1908" read "1540, dated 17th February 1913."

I. Constitution of the Forest Department.

C (I). UPPER SUBORDINATE BRANCH—*continued*.

Appointments—*continued*.

(c) They must find sureties to execute a bond guaranteeing that under special circumstances they will refund all monies expended by Government on the student's education.

(d) They acquire the privilege of receiving a stipend during the period of training at the College, and a guarantee of an appointment worth not less than Rs. 50 per mensem, provided they pass out satisfactorily.

(Forms of agreement and bond may be procured from the Conservator or Deputy Conservator who nominated the student.)

9. The Conservators and Deputy Conservator in charge of Circles will be responsible for the preliminary training of students selected in their respective Circles and will be empowered to pay such students a travelling allowance of Rs. 25 per mensem during the period of such training.

10. Selected stipendiary students shall be granted an allowance of not less than Rs. 40 per mensem for Natives, and not less than Rs. 50 per mensem for Europeans and Eurasians, during the period of the College course; and appointments worth not less than Rs. 50 per mensem shall be guaranteed to them immediately on passing out of the College successfully and obtaining the Higher Standard certificate.*

37. Government reserve to themselves the power to make appointments for exceptional reasons otherwise than in accordance with the foregoing rules.

38. All stipendiary students while undergoing the course of the Imperial Forest School, Dehra Dun, will be expected to conform with such rules and regulations as may from time to time be laid down to regulate the constitution of the studies and discipline at the School.†

39. I. A list shall be kept by the senior Conservator of Forests on which the names of the passed candidates for the appointment of Forest Ranger shall be arranged in order of merit reckoned by their place in the list and of seniority reckoned by the year or term in which they pass through the prescribed course at the Imperial Forest School, Dehra Dun, and obtain the certificate in Forestry (Higher Standard).

II. A copy of the list shall be furnished to the other Conservators and Deputy Conservator in charge of Circles.

III. Every passed candidate will be required to intimate to the Director of the Forest School, at the time of passing, the Circle in which he would prefer to serve,

* Government Resolution, Revenue Department, No. 8149, dated 12th August 1908.

† Government Resolution No. 4221, dated 30th June 1903.

I. Constitution of the Forest Department.

C (I). UPPER SUBORDINATE BRANCH—*continued.***Appointments - concluded.**

and (a) whether he is ready to accept an appointment in any other Circle, or (b) whether he prefers before accepting any appointment to await the occurrence of a vacancy in the Circle of his choice.

IV. In case (a) he will be offered the first vacancy that occurs in any Circle in which he has intimated his readiness to serve, provided that if several vacancies occur simultaneously in different Circles, he will ordinarily be allowed to choose, in order of seniority and merit, the vacancy occurring in the Circle of his choice or such other Circle as he prefers.

V. In case (b) he will be offered the first vacancy which occurs in the Circle of his choice, provided that if no vacancy occurs in that Circle within two years of his passing, he will be required to take an appointment if offered him in another Circle.

VI. Vacancies as they occur should be reported at once to the senior Conservator by the other Conservators and Deputy Conservator concerned, and acceptance of appointments offered should be communicated immediately by him to the other Heads of Circles.*

Gradation list and pay. **40.** The Bombay Upper Subordinate Forest Service comprises the following appointments:—

Circle.	Rangers on pay Rs.				
	100	80	70	60	50
Northern Circle	1	4	...	2	4
Southern do.	2	3	...	3	6
Central do.	2	2	...	4	8
Sind do. ... ..	...	1	1	1	2
Total ...	5	10	1	10	20†

* Government Resolutions No. 8142, dated 21st October 1904; and No. 3640, dated 4th May 1905.

† Vide Government Resolution No. 404, dated 16th January 1911.

Page 16, Section 40.

In the list subjoined to this section *for* the figure '6' under 50 against Northern Circle, *substitute* '9' and *alter* the total from '21' to '24'.

Add the following to the foot-note † :—

and Government Order, R. D., No. 10876, dated 11th November 1916.

Section 40, page 16.

Substitute the following for the list :-

Circle.			Rangers on pay Rs.					
			150	125	100	80	60	50
Northern Circle	...	...	2	3	5	7	8	6
Central do.	...	...	2	4	5	9	9	7
Southern do.	...	...	2	4	5	9	9	5
Sind do.	...	...	0	1	2	3	3	3
Total ...			6	12	17	28	29	21

Section 40, Page 16.

Add to the list the following:—

Circle.	Surveyor-Rangers on pay Rs.	
	60	50
Northern Circle	1	1
Central do.	1	1
Southern do.	1	1
Total ...	3	3

Strike out clause (iv) 3 of this section and the two Government Resolutions quoted at the end of the section.

Add the following new clause :—

(vii) The allowances sanctioned for Navapur and Peint apply also to the following parts of the Kanara and Belgaum Districts :—

1. Kulgi, Virnoli and Dandeli Ranges of the Kanara Northern Division.
2. Gund range and Sulgeri beat of the Kanara Western Division.
3. Ramanguli Round and Sunksal beat of the Kanara Central Division.
4. Yellapur, Kirwatti, Bhartnalli, Mundgod and Katur ranges of the Kanara Eastern Division.
5. Tawargatti and Nagargali Rounds of the Belgaum Division.†

The allowances are admissible to Forest subordinates on the permanent as well as temporary establishments entertained even for lesser periods than 12 months in the localities mentioned above.‡

At the end of clause (vi) add the mark '*'.

In the foot-note on page 17 strike out the entries marked with *, †, ‡ and ¶ and add the following :—

* Government Resolution, F. D., No. 3112, dated 29th September 1911.

† Government Resolutions, F. D., Nos. 1389, dated 1st April 1913, and 1451, dated 30th March 1914,

and Government Order, R. D., No. 10681, dated 7th October 1915.

‡ Government Resolution, R. D., No. 10663, dated 7th October 1915.

Page 17, section 41—

For items 1 and 2 of clause (vii) *substitute* the following :—

“ 1. Kulgi, Virnoli, Dandeli, Haliyal and Sambrani Ranges of the Kanara Northern Division.

2. Gund Range and the remaining parts of Supa Petha and Sulgeri beat of the Kanara Western Division.”

(Government Order, Financial Department, No. 1738 of 3rd May 1918.)

Delete sections 41, 42, 43 and 43c and substitute the following :—

“ Local and bad climate allowances are sanctioned according to the following scales to forest subordinates serving in the different tracts mentioned :—

(i) For the Akrani and the Dangs :—

Officers on salaries of Rs. 50 and above—Rs. 20 Allowance per mensem.

Do. of Rs. 30 and less than Rs. 50—Rs. 10 ” ”

Do. of Rs. 15 ” Rs. 30—Rs. 5 ” ”

Do. of Rs. 12 ” Rs. 15—Rs. 3 ” ”

Do. of less than Rs. 12—Rs. 2 ” ”

(ii) The above scale applies to officers of the Surat District while touring or residing on duty in the Dangs or Mandvi.

(iii) For Navapur and Peint :—

Officers on salaries of Rs. 150 and above—Rs. 20 Allowance per mensem.

Do. of Rs. 50 and less than Rs. 150—Rs. 15 ” ”

Do. of Rs. 15 ” Rs. 50—Rs. 5 ” ”

Do. of less than Rs. 15—Rs. 2 ” ”

(iv) Forest subordinates serving in the following tracts should draw the allowances sanctioned for Navapur and Peint :—

1. Nandurbar, Taloda, Sakri and Shirpur Talukas of the West Khándesh District. (Officers with head-quarters at Taloda will not be eligible for the allowance).

2. Mandvi Range of the Surat District and Mokháda Range of the Thána District.

3. Kulgi, Dandeli and Gund Ranges of Kánara Northern Division, Sulgeri, Ramanguli and Sunksal Beats of Kánara Western Division.

Yellápur, Kirwatti, Bhartnalli, Mundgod and Katur Ranges of Kánara Eastern Division.

(v) An allowance of Rs. 50 per mensem is allowed to the Range Forest Officer of Akrani.

(vi) An increase of Rs. 5 per mensem in the permanent travelling allowance admissible under Government Resolutions No. 1365, dated 14th April, and 4392, dated 4th July 1903 to the Sheristadar and Clerks of the Divisional Forest Officer, Surat, while touring in the Dangs, should be continued.

Government Resolutions No. 3112, dated 29th September 1911, and No. 443, dated 17th January 1913, Revenue Department.

Renumber sections 43a and 43b making them 42 and 43 respectively.

I. Constitution of the Forest Department.

C (I). UPPER SUBORDINATE BRANCH—continued.

Allowances.

41. At the time the Gund working plan, of the North Kánara Division, was sanctioned, owing to the officers serving in that locality being subjected to "inconveniences and disagreeableness of life," sanction was given to an extra allowance of Rs. 20, Rs. 10 and Rs. 2 per mensem, respectively, to Rangers, Foresters and Guards.*

Special allowances to men serving in the Gund working circle of the Kánara Northern District.

Special allowances to Rangers and Foresters serving in the Dángs of the Surat Division.

42. A grant of local allowance of Rs. 15 and Rs. 10, respectively, is given to Rangers and Foresters serving in the Dángs.†

Special allowances to Rangers, Foresters and Guards serving in Navápur and Akráni Ranges of the North Khándesh Division.

43. The following local allowances are sanctioned for men serving in Navápur and Akráni Ranges of the North Khándesh Division :—

To officers on	Rs. 80 and upwards	Rs. 20 per mensem.	
" " between	Rs. 15 and 60	...Rs. 5	"
" " "	Rs. 12 and 15	...Rs. 3	"
" " "	Rs. 9 and 12	...Rs. 1	"
" " below	Rs. 9	...As. 8	†

43a. A hill allowance of Rs. 1-8-0 per mensem is sanctioned for the Guards in the Maháleshwar Range of the Sátára Division from 1st April 1905.§

43b. Conservators should decide what form of conveyance a forester should use, and where a bicycle is as serviceable as a pony travelling allowances should be allowed at the same rate for a bicycle as for a pony.||

43c. Local allowance, on the same scale as laid down for the subordinates serving in Navápur and Akráni Ranges of the North Khándesh Division, is sanctioned to officers of the Forest Department serving in the Peint Táluka and Baragaon Dángs, provided that they have their home above and not below ghats.¶

Promotion.

44. Seniority will carry weight only in the event of other claims to promotion being considered equal. Merit, physical and general suitability will be the main consideration.\$

Promotion.

* Government Resolution No. 9450, dated 26th November 1896.

† Government Resolution No. 8657, dated 8th December 1902.

‡ Government Resolution No. 2193, dated 23rd June 1904.

§ Government Resolution No. 2289, dated 18th March 1905.

|| Government Resolution, Revenue Department, No. 9012, dated 6th November 1905.

¶ Government Resolution, Financial Department, No. 2747, dated 27th June 1908.

\$ Accompaniment to Government Resolution, Revenue Department No. 4221, dated 30th June 1903.

I. Constitution of the Forest Department.

C (I). UPPER SUBORDINATE BRANCH—concluded.

Leave and Pension.

Leave rules for officers drawing Rs. 100 a month and less.

45. Officers drawing Rs. 100 a month or less shall be eligible for privilege leave under the same conditions as officers on higher pay. Article 262 of the Civil Service Regulations may accordingly be cancelled.*

46. [For rules regarding casual leave and orders on the same, read sections 18 to 22, Standing Orders, Forests. Daily allowance is not admissible to officers on tour during their absence from camp on casual leave or holidays. An officer returning to head-quarters on a Sunday or public holiday is not entitled to draw travelling allowance for the journey or to draw halting allowance for the day or days spent at head-quarters.]†

Daily allowance not admissible during casual leave.

47. Pension rules applicable to officers of the Upper Subordinate Forest Service are governed by the rules laid down in the Civil Service Regulations.

C (II). Lower Subordinate Branch.

Appointments.

48. 1. Permanent or officiating appointments to the classes of Deputy Ranger and Forester in any grade shall be made by the Conservators and Deputy Conservator of Circles—

(a) by promotion of subordinates of long service and tried ability and probity, irrespective of the special training they may have undergone or the educational certificates they may have obtained ;

(b) by promotion of subordinates, or direct appointment of candidates, who have undergone a course of training at any of the local Forest Schools or Classes for instruction and obtained a certificate of competence and good conduct ; and

(c) by direct appointment of candidates who have obtained the Lower Standard certificate after two years' training at the Imperial Forest College.

2. A seniority list of subordinates qualified or recommended for promotion in accordance with the preceding rule, and a list of candidates qualified for direct appointment in accordance with that rule, shall be kept by the Conservator or Deputy Conservator in charge of a Circle, showing the educational qualifications of each man, the special training he may have undergone, and the opinions expressed from time to time regarding his suitability for promotion.

* No. 104 (Financial), dated India Office, London, 15th July 1904.

† Government Resolution No. 4536, dated 29th November 1906.

Page 18, Section 46.

Add the following clause :—

Officers who have taken casual leave in the course of a halt at head-quarters may be allowed to draw the actual expenses (not exceeding the daily allowance) of keeping up camp equipage either at their head-quarters or at a place other than the head-quarters, provided it is necessary to do so in the interest of the public service.

Add the following || foot-note.—

|| Government Order, Financial Department, No. 92, dated 10th January 1917,
and to the note '†' the following :—

"and No. 929, dated 8th March 1905, Financial Department."

Section 48, page 18.

Strike out the word 'Deputy' in the first line and the words 'Ranger and' in the second line of rule 1. Also strike out the word 'Imperial' in the second line of clause (c) and add after 'college' "and Research Institute, Dehra Dun."

Add the following clause:—

The Conservators are authorized to sanction, within the limits of budget provision, the employment after 30th June of substitutes in place of men deputed to attend forest instruction classes, on the distinct understanding that such substitutes are to be employed only in exceptional cases. ||

Add to foot-note:—

|| Government Resolution, R. D., No. 7340, dated 7th August 1913.

Foot note ' * ' to section 48, page 19.

Substitute ' 1540, dated 17th February 1913 ' for ' 8149, dated 12th August 1908. '

Section 49, page 19.

Add the following clause to this:—

"The Instructor is allowed a special allowance of 'Rs. 50 per mensem while actually engaged on the work of giving instruction, subject to the condition that the salary of the officer does not exceed Rs. 750 per mensem."

Foot note ' † ' to section 49, page 19.

Add " and No. 7266, dated 31st July 1911, Revenue Department."

I. Constitution of the Forest Department.

C (II). LOWER SUBORDINATE BRANCH—*continued.*Appointments—*concluded.*

Gradation list and pay. 51. The Lower Bombay Subordinate Forest Service comprises the following appointments :—

Circle.	Foresters on pay Rs.			Guards on pay Rs.						
	40	30	20	15	12	10	9	8	7	6
Northern Circle ...	6	8	8	36	50	74	94	233	402	...
Southern do. ...	8	12	32	25	70	113	101	153	219	...
Central do. ...	17	24	23	52	103	146	141	323	712	...
Sind do. ...	4	8	6	5	25	25	...	50	156	45
Total ...	35	52	69	118	248	358	336	759	1,489	45*

Allowances.

Special allowances in the Gund working circle, North Kánara.

52. For special allowances granted in the Gund working circle of the North Kánara Division see section 41, Standing Orders, Forests.

Special allowance to guards in the Mándvi, Dángs and Mokháda Ranges.

53. An extra allowance of Rs. 2 per mensem is sanctioned for guards serving in Mándvi and Dángs Ranges of the Surat Division and Mokháda Range in the Central Thána Division.†

Special allowances to Foresters in the Dángs.

54. For special allowances granted to Foresters serving in the Dángs, read section 42; Standing Orders, Forests.

Special allowances to men serving in Navápur and Akiráni Ranges of the North Khándesh Division.

55. For special allowances granted to Foresters and guards serving in portions of the North Khándesh Division read section 43, Standing Orders, Forests.

* Government Resolutions, Financial Department, No. 2586, dated 10th September 1885; No. 2913, dated 13th October 1885; and No. 2976, dated 23rd October 1885.

† Government Resolutions No. 1436, dated 17th February 1896; and No. 8657, dated 8th December 1902.

I Constitution of the Forest Department.

C (II). LOWER SUBORDINATE BRANCH—*continued.*

Appointments—*continued.*

3. Forest guards will as a rule be recruited locally but the Divisional Forest Officer shall not be debarred from appointing applicants other than local who possess other qualifications in addition to those of good physique, character, etc.

4. Promotions, both officiating and permanent, to the Rs. 15 grade will be made ordinarily by Divisional Forest Officers, provided that the Conservator or Deputy Conservator in charge of a Circle may from time to time make direct appointments to that grade.

5. Government reserve to themselves the power to make appointments for exceptional reasons otherwise than in accordance with the foregoing rules.*

49. The Establishment of Forest Schools for the training of foresters and guards on the lines sketched out in the Conservator, Southern Circle's Confidential letter No. A-1166, dated 21st May 1907, and printed as an accompaniment to Government Resolution No. 8810, dated 4th September 1907, was sanctioned under Government Resolution No. 1192, dated 4th February 1908.

The course of training extends from March 1st to October 31st. In each Circle an Extra Assistant Conservator of Forests is appointed by the Conservator as Instructor.

The practical course in the Forests commences on March 1st and continues until the rainy season.

During the rains the class is held at Thána for the Northern Circle, Poona for the Central Circle, and at Belgaum for the Southern Circle.

Examinations are held and the Conservators grant certificates to the passed candidates in their respective Circles. A local allowance of Rs. 3 per mensem is granted to forest subordinates during the period they are deputed to attend the Forestry classes.†

50. The general rule laid down by Government is that guards should be local men and be but rarely transferred.‡

Guards should when possible be local men.

* Government Resolution, Revenue Department, No. 8149, dated 12th August 1908.—

† Government Resolutions No. 8810, dated 4th September 1907; No. 1192, dated 4th February 1908; No. 4222, dated 27th April 1908; and No. 2872, dated 29th July 1909.

‡ Government Resolution, Revenue Department, No. 1626, dated 11th March 1902.

Page 20, Section 51.

Add the following clause :—

The service of all Forest guards on pay exceeding Rs. 10 per month who were in service on the 28th March 1914 should be reckoned as superior for the purpose of pension. §

Officers who begin service as Forest guards on the inferior scale and subsequently rise to appointments in superior service in or above the rank of Forest guard may count their whole service towards pension or gratuity on the superior scale. §

All Forest guards, whatever their status may be as regards pension, are inferior servants for the purpose of the Travelling allowance rules. ||

Add to foot-note :—

§ Government Resolutions, R. D., Nos. 10313, dated 27th October 1914, and 4588, dated 24th April 1915.

|| Government Resolution, R. D., No. 182, dated 7th January 1915.

Section 51, page 20

Substitute the following for the list :—

Circle.				Foresters on pay Rs.						Guards on pay Rs.			
				40	35	30	25	20	15	12	10	9	8
Northern Circle	...	...	...	5	9	13	22	21	18	135	223	540	74
Central do.	...	...	...	5	9	14	22	22	18	147	245	484	104
Southern do.	...	...	...	6	11	17	28	28	23	108	180	432	88
Sind do.	...	...	...	0	2	4	6	7	3	50	81	199	22
Total				16	31	48	78	78	62	440	729	1,655	288

Section 51, Page 20.

Add to the list the following :—

Circle.	Surveyor—Foresters on pay Rs.				
	40	35	30	25	20
Northern Circle	1	1	2	8	2
Central do.	1	1	3	10	4
Southern do.	1	1	3	4	1
Total ...	3	3	8	22	7

Government Resolution, No. 3602, dated 4th October 1913, Financial Department.

Section 59, page 21.

Substitute the following for the list :—

Circle.	Head clerks on pay Rs.			Clerks on pay Rs.	Junior clerks on pay Rs.
	125—10—175	100	80	25—2—75	20
Northern Circle	1	1	6	39	38
Central do.	1	1	7	40	55
Southern do.	1	1	7	36	40
Sind do.	1	0	6	20	23
Total	4	3	26	135	156

The appointments on pay of Rs. 125—10—175 are 'progressive' and those on pay Rs. 25—2—75 are 'time-scale.' The increment according to the above scale is not to be given as a matter of course but should be given only in such cases as may be considered to be deserving of it and that it should be stopped by way of punishment wherever such a course is found to be necessary.

Foot note ' § ' to section 59, page 21.

Substitute "Government Resolutions, Revenue Department, Nos. 404 and 3307, dated 16th January and 31st March 1911, respectively," for the whole existing entry.

I. Constitution of the Forest Department.

C (II), LOWER SUBORDINATE BRANCH—concluded.

Leave.

56. The privilege leave rules for members of the Lower Subordinate staff of the Foresters' and Guards' leave rules, the Foresters grade and Guards are governed by the Civil Service Regulations.*

Pension and Gratuity.

57. The rules applying to the Lower Subordinate Forest Service for pension and gratuity are governed by the Civil Service Regulations. The 16th of the month should be treated, for purposes of pension, as the date of birth of an officer in whose case year and month of birth are known, but precise date is unknown.†

D. Clerical Establishment.

Appointments.

58. Candidates eligible for employment as clerks in the Forest Department must hold the following certificates :—A pass certificate for the Bombay University School Final Examination, or the full Senior Commercial Examination of the London Chamber of Commerce, or the Second Grade Public Service Certificate Examination.‡

59. The clerical establishment in Bombay is composed of the following appointments :—

Circle.	Head Accountant on pay Rs. 120.	Clerks on pay Rs.										
		100	80	60	50	45	40	35	30	25	20	15§
Central Circle	...	1	1	1	9	...	2	...	8	...	15	16
Southern "	...	1	1	1	7	...	6	...	9	...	11	8
Northern "	...	1	...	1	7	...	5	1	9	...	9	14
Sind "	1	...	1	...	1	4	...	1	2	3	3	5
Total	1	3	3	3	24	4	13	2	28	3	38	43

* No. 104 (Financial), dated India Office, London, 15th July 1904.
† Government Resolution No. 806, Financial Department, dated 15th February 1908.
‡ Government Resolution No. 1362, dated 7th July 1903, and Notification No. 1764, dated 2nd September 1903.
§ Government Resolutions No. 2586, dated 10th September 1885; No. 2913, dated 13th October 1885; and No. 2976, dated 23rd October 1885.

I. Constitution of the Forest Department.

D. CLERICAL ESTABLISHMENT—continued.

Allowances.

Special allowances to clerical establishment of the Surat Division while serving in the Dāngs.

60. A grant of local allowance to the clerical staff of Rs. 5 per mensem, during the working season, is sanctioned in connection with the Dāngs.*

Puttiwallas.

61. The sanctioned number of havildars, naiks and peons is as follows :—

Name.	Number.	Rate of pay per mensem.	Total.
<i>Central Circle.</i>		Rs.	Rs.
Havildars {	1	12	12
Naiks {	11	10	110
Peons {	16	9	144
Peons {	28	8	224
Total ...	56	...	490
<i>Northern Circle.</i>			
Havildars {	1	12	12
Naiks {	10	10	100
Peons {	16	9	144
Peons {	27	8	216
Total ...	54	...	472
<i>Southern Circle.</i>			
Havildars {	1	12	12
Naiks {	8	10	80
Peons {	14	9	126
Peons {	28	8	224
Total ...	51	...	442
<i>Sind Circle.</i>			
Havildars {	1	12	12
Naiks {	5	10	50
Peons {	6	9	54
Peons {	14	8	112
Total ...	26	...	228
Grand Total ...	187	...	1,632

Peons in the Divisional and Sub-Divisional Forest Offices in Surat serving in the Dāngs are granted an extra allowance of Rs. 2 per mensem.†

* Government Resolution No. 1365, dated 14th April 1903.

† Government Resolutions No. 1481, dated 1st July 1902; and No. 2923, dated 2nd May 1903.

Section 61. Page 22.

Strike off the table under " Sind Circle " and *substitute* the following :—

The sanctioned number of havildárs, náiks, and peons is as follows :—

Circle.	Havildárs on pay. Rs.	Náiks on pay. Rs.		Peons on pay. Rs.		
		12	10	10	9	8
Sind Circle 	1	3	3	10	3	8

NOTE.—Two peons and 1 junior clerk for the Sub-Divisional Forest Officer, Sukkur, are included in the above statements.

Section 60, page 22.

Add to this the following clause :—

“ A local allowance of Rs. 5 a month is sanctioned to each clerk in the Divisional Forest Office, Dhárwár, while actually doing duty at head-quarters, and so long as the Divisional Office is situated as at present outside municipal limits. (Government Resolution No. 2334, dated 6th March 1912, Financial Department).”

Insert the following in its proper place :—

“ 60a. Subordinate officers of all Departments, whose salary does not exceed Rs. 100 per mensem, should, while travelling during the months of June to September, in the Konkan District, be granted mileage at the special rate of annas four a mile, and daily allowance at 50 per cent. more than that admissible to them under the ‘Civil Service Regulations. (Government Resolution No. 2289, dated 10th June 1913, Financial Department).”

I. Constitution of the Forest Department.

D. CLERICAL ESTABLISHMENT—concluded.

Office Libraries.

62. The whole responsibility of arranging and looking after the library books Head clerks to be in charge in each office remains with the head of the clerical establishment.* of office libraries.

E. Temporary Establishment.

63. Local Governments may delegate to Conservators and Deputy Conservators of Forests power to sanction such temporary establishments as are required from year to year for their respective Circles within the limit of the annual Budget allotment, on this account for each Circle, provided that no appointment shall be created which the Local Government itself would not be competent to create. A maximum rate of pay should be laid down by the Local Government for each class of establishment that will be entertained under these orders.†

The maximum rate of pay sanctioned for temporary establishment. 64. The maximum rates shown below are sanctioned for all the Circles for each class of establishments:—

	Maximum rate.				
	Office Establishment.				
	Rs.				
Clerks	50
Peons	10
Sweepers	5
	Survey Establishment.				
Surveyors	60
Draftsman	60
Mukadum	10
Chainman	10
	Protective and other Establishment.				
Ranger	60
Forester	40
Forest guards	15
Depôt officers	20
Depôt peons	8
Tindals	12
Lascars	9
Malis	18
Gardeners	12
Labourers (hedge coolies)	8
Labourers (garden coolies)	9
Mukadum of labourers	10
Establishment on daily wages	8 annas. ‡

* Government Resolutions No. 5574, dated 17th August 1903; and No. 684, dated 30th January 1903.

† Government Resolution, Revenue Department, No. 2045, dated 15th March 1904.

‡ Government Resolution No. 5181, dated 7th July 1904.

I. Constitution of the Forest Department.

E. TEMPORARY ESTABLISHMENT—*concluded.*

64a. Forest Officers should not be transferred from the permanent to a temporary establishment either in the public interest or in order to give promotion to deserving individuals.*

II. EXAMINATIONS.

65 Revised rules relating to the Examinations of Gazetted Forest Officers.†

65.1 Forest Officers of the grade of Extra Assistant Conservator and upwards will be required to pass examinations in the following subjects:—

- (a) Language.
- (b) Land Revenue and Criminal Law.
- (c) Forest Law.
- (d) Procedure and Accounts.

66. II (a) Examinations in languages will be held monthly by the Civil and Military Examination Committee. The examination according to the Lower Standard will comprise—

- | | | | | |
|---|-----|-----|-----|------------|
| 1. Translation from English | ... | ... | ... | 125 Marks. |
| 2. Translation into English of a vernacular passage and writing a summary in English of vernacular papers read out to the candidate | ... | ... | ... | 125 " |
| 3. Reading and explaining vernacular papers and conversation (in cases of local examination according to report of Local Committee) | ... | ... | ... | 150 " |

(b) The examination according to the Higher Standard will comprise—

- | | | | | |
|---|-----|-----|-----|------------|
| 1. Translation from English | ... | ... | ... | 100 Marks. |
| 2. Translation into English of a vernacular passage and writing a summary in English of vernacular papers read out to the candidate | ... | ... | ... | 100 " |
| 3. Reading and explaining vernacular papers and conversation (in cases of local examination according to report of Local Committee) | ... | ... | ... | 150 " |

The candidate must show an unimpaired acquaintance with the vernacular, the papers selected as tests being of a more difficult description than those in the examination according to the Lower Standard. The candidate's power of explaining himself clearly in the vernacular is to be tested by an argument of some difficulty such as may occur in official business.

(c) The examination in Hindustáni will comprise—

- | | | | | |
|--|-----|-----|-----|------------|
| 1. Translation <i>word for word</i> into English from a fairly written Hindustáni letter or petition | ... | ... | ... | 100 Marks. |
| 2. Written translation into Hindustáni from an ordinary English narrative or from a letter or petition or a Government order or regulation | ... | ... | ... | 100 " |
| 3. Conversation on ordinary subjects, including Commercial, Revenue and Magisterial matters, especially in connection with Forests, to test the candidate's capability of understanding and making himself understood in a conversation on such subjects | ... | ... | ... | 150 " |

* Government Resolution No. 6002, dated 2nd June 1906.

† Government Resolution, Revenue Department, No. 6548, dated 6th July 1909.

No. 93.

Foot-note '†' :—

, R. D., Nos. 7746, dated 19th July
h August 1917.

30.

Sections 65 to 72a, pages 24 to 26.

Give the section No. '65' to the line "Revised rules relating to the examinations of Gazetted Officers" on page 24, and renumber sections 65 to 72a making them 1 to 11.

Page 25.

Add the following under the subject ' Procedure and Accounts ' :—

(e) the following portions of Mr. Pritchard's Manual ' An Introduction to Indian Government Accounts ' :—

Chapters I and II ... The whole.

Chapter III ... Paras. 35, 36, 37, 45, 46, 47, 84, 85, 86, 87 and 88.

Chapters IV and VI ... The whole."

II. Examinations.

(d) Examinations in subjects (b), (c) and (d) of rule 1 will be held in June and December of every year by the Permanent Committee for Departmental Examinations, to which a Conservator of Forests or a Deputy Conservator of Forests in charge of a Circle will be appointed from time to time as an additional member.

The test in Land Revenue and Criminal Law, Forest Law and Procedure and Accounts will be as follows:—

Land Revenue and Criminal Law ... 150 Marks.

The Land Revenue Code (Bombay Act No. V of 1879), Chapters I and II; of Chapter V, sections 37 to 44; of Chapter VI, section 62, clause 2; and Chapter IX; rules 37 and 38, 91 to 95 (Trees) and 97 to 99-A (Boundary Marks) of the rules under section 214 of the Bombay Land Revenue Code; the Indian Penal Code (Act XLV of 1860), as amended upto date, Chapters II, IV, V, IX, X, XVI, sections 319—358, XVII, sections 378—389, 403—420, 441, and 447, XVIII, sections 478—489 and XXIII; the Criminal Procedure Code (Act V of 1898) as amended upto date, Chapter I, sections 4 and 5, with Schedule II so far as it relates to the chapters and sections of the Indian Penal Code above mentioned and to offences against other laws, Chapters II, sections 9 to 17, III, sections 31 to 33, 36 and 37 with Schedules III and IV; Chapters IV, V, sections 54 and 59, XVI, XVII, XX, XXI and XXXIX; the Indian Evidence Act (I of 1872), Chapters II, VII, IX and X.

Forest Law ... 150 Marks.

The Indian Forest Act (VII of 1878), as modified upto date, with all the rules and orders published and in force at the time being under that Act.

Procedure and Accounts ... 150 Marks.

Not more than 12 questions from—

(a) such portions of the Forest Department Code as have been applied to the Bombay Forest Department;

(b) the chapter relating to Forests in the Compilation of Standing Orders of Government in the Revenue Department, in so far as it is not covered by the examination in Forest Act;

(c) rules which have been published under the Sea Customs Act (VIII of 1878), the Arms Act (XI of 1878), the Abkari Act (V of 1878) and are in force at the time being and apply to the Forest officers in the Forest Department of the Presidency;

(d) Standing Orders of the Accountant General.

NOTE 1.—In any of the examinations mentioned in this rule a candidate who obtains at least 50 per cent. of the marks for each subject and also at least 60 per cent. of the aggregate marks will be considered to have passed the examination. A candidate who obtains at least 75 per cent. of the aggregate marks obtainable will be considered to have passed the examination with credit.

NOTE 2.—No books will be allowed to be used in the examination in the subject prescribed in rule 1 (c). For the examination in the subjects prescribed in rule 1 (b) and (d) the use of books will be allowed.

II. Examinations.

67. For the purposes of these rules, the following vernaculars shall be held to be those of the different Forest Divisions :—

Circle.			Division.			Vernacular.
Central	...	...	All divisions	...	...	Maráthi.
Southern	...	}	Belgaum	...	...	Maráthi.
			Dhárwár, Bijápúr and Kánara	...	...	Kánarese.
Northern	...	}	Thána and Kolába	...	...	Maráthi.
			Surat and Panch Maháls	...	...	Gujaráti.
Sind	...	...	All divisions	...	...	Sindhi.

68. Every officer shall present himself for examination according to the Higher Standard in the vernacular of the division in which he is serving, or, if that be his own language, in one other of the vernaculars mentioned in rule 3, at the latest at the first meeting of the Committee after he has been twelve months in the service in this country, whether as Assistant Conservator of Forests, or as Extra Assistant Conservator of Forests, and should he fail to pass within 24 months from the date of his joining the service in the Presidency, he will be liable to stoppage of pay prescribed in rule 7: provided that every officer selected under clause (a), (b) or (c) of No. 1 of the rules for appointment to the Bombay Provincial Forest Service sanctioned in Government Resolution No. 10632, dated 2 October 1907, shall be required to pass the examination prescribed by this rule before actual appointment to that service.

68a. In addition to the examination in language above described, any officer of the Forest Department of less than 15 years' standing, who may be transferred from one division to another division, in the vernacular of which he has not passed according to the Higher Standard, will be required to pass within two years of his transfer an examination according to the Higher Standard in the vernacular of his new division, unless that vernacular be his own language; and in the event of his failing to do so, he will be liable to the stoppage of his pay prescribed in rule 7: provided that where an officer has already passed a compulsory examination according to the Higher Standard in two vernaculars, he will on any subsequent transfer be required to pass an examination by the Lower Standard only in the vernacular of his new division within one year of his transfer and will be allowed to appear for examination in that vernacular according to the Higher Standard. On his passing by the Lower Standard within the prescribed period or by the Higher Standard within two years of his transfer he will be entitled to the rewards described in rule 8.

69. Every officer shall present himself for examination in subjects (b), (c) and (d), mentioned in rule 1, at the latest at the first examination held by the Permanent Committee for Departmental Examinations after he has been twelve months in the service in this country, whether as Assistant Conservator of Forests, or as Extra Assistant Conservator of Forests; and should he fail to pass the examination at the latest at the first examination held by the Committee after he

Page 26, Section 68A.

Add the following:—

The 15 years' limit mentioned in this rule shall be counted in the case of a subordinate officer promoted to the Provincial Forest Service from the date of his promotion to gazetted rank. An officer of more than 40 years of age should, however, be exempted from passing an examination in the language of the Division, provided it can be certified that he already possesses a sufficiently good practical knowledge of the language for the efficient performance of his duties.

Section 67, page 26.

In columns 2 and 3 of the statement the following entries should be made against the Southern and Northern Circles, respectively :—

- | | |
|------------------------------|--|
| “ Working Plans Division ... | Kanarese or Marathi as the Conservator may prescribe.” |
| “ Working Plans Division ... | Marathi or Gujarathi as the Conservator may prescribe. |

(Government Resolution No. 7083, dated 20th July 1911, Revenue Department) ”.

Section 67, page 26.

Add the following under the list given in this section :—

NOTE.—Hindustani is prescribed as second language for Sind. (Government Resolution, Public Works Department, No. 2442, dated 19th December 1911)".

Section 68, page 26.

Substitute the following clause for the existing clause in lines 8 to 12:—

‘Provided that every officer selected under clause (a) of No. 1 of the rules for appointment to the Bombay Provincial Forest Service published in Government Notification No. 10618, dated 19th November 1912, shall be required to pass the examination prescribed by this rule before actual appointment to that service (Government Resolution No. 577, dated 21st January 1913, Revenue Department)’.

Section 68, page 26.

Substitute the words "three years" *for* "24 months" in line 6. (Government Resolution No. 8907, dated 27th September 1912, Revenue Department).

Section 69, page 27.

Substitute the words "three years" *for* "24 months" in line 7. (Government Resolution No. 8907, dated 27th September 1912, Revenue Department).

Section 69a, page 27.

The last sentence of this section should be deleted.

(Government Resolution No. 7083, dated 20th July 1911, Revenue Department).

Page 27, Section 71.

Add the following:—

The 15 years' limit mentioned in this rule shall be counted in the case of a subordinate officer promoted to the Provincial Forest Service from the date of his promotion to gazetted rank.

II. Examinations.

has been 24 months in such service, he shall be liable to the stoppage of pay prescribed in rule 7.

69a. Any officer who fails to pass the examinations prescribed in rules 4, 5 and 6 above within the prescribed period shall be liable to have the last increment of his pay deducted and to have no further increment allowed to him until he passes the examination, or the necessity for his passing it terminates in accordance with the provisions of these rules: provided that this rule shall not extend to the refund of pay drawn before the date of the examination. Pending the introduction of the time scale pay system for the Provincial Forest Service an officer belonging to that service will be liable to a deduction of 10 per cent. of his salary for failure to pass the examination within the prescribed time.

70. No reward shall be payable for passing in two compulsory languages under rules 4 and 5, but on passing further vernacular examinations under rule 5 within the prescribed period, or the optional examinations referred to in rules 9 and 10, an officer shall be entitled to the following rewards, *viz.*:—

Rs. 250 for passing in a vernacular by the Lower Standard;

„ 500 for passing in a vernacular by the Higher Standard:

provided that when the officer concerned is a Native of India as defined in Article 37 of the Civil Service Regulations he shall be entitled to receive a reward equal to two-thirds of the above sums.

71. An officer of over 15 years' standing who is transferred to a division in the vernacular of which he has not passed may present himself for examination in the vernacular of his new division, unless that vernacular is his own language, and in the event of his passing will be entitled to the rewards described in rule 8, provided that the examination according to the Lower and the Higher Standard is passed within one and two years, respectively, of his transfer to the new division.

72. An officer who has passed the prescribed examination in the vernacular of the division in which he is serving and in the vernacular of the division or divisions, if any, in which he has previously served may, at any time subsequently, present himself for examination in any of the other vernacular languages mentioned in rule 3 which is not his own language, and in the event of his passing will be entitled to the rewards described in rule 8; provided that no officer shall be allowed, without the previous sanction of Government, to present himself under this rule more than twice for examination by either Standard in the same language.

72a. An officer whose own language is not Hindustāni may at any time offer himself for examination in that language, and in the event of his passing will be entitled to a reward of Rs. 250, provided that no officer shall be allowed, without the previous sanction of Government, to present himself more than twice for the examination.

72b. It is undesirable, as a general rule, that Assistant Conservators who have not passed the prescribed Departmental Examination in the vernacular

II Examinations.

languages of their district, in Forest Law, Departmental Rules, etc., should be placed in charge of a Forest Division.*

Sindhi examination to be held in that Province.

73. The Departmental Examination in Sind will be held in that Province.†

74. Whenever by any general or local rules a reward is sanctioned for the acquisition of, or for proficiency in, any useful native language, such as Punjabi, Pushtu, Burmese, and a thorough colloquial knowledge of Urdu, is of as great benefit in the case of Forest officers as it is in any other branch of the public service. It is therefore decided that whenever by any general or local rules a reward is sanctioned for the acquisition of, or proficiency in, any spoken or useful language, the rules shall be applicable to all European Forest officers. Government will decide whether the language is useful to the Forest officer in the district in which he is employed before the officer presents himself for examination.‡

Departmental examination papers in Sind to be set by the Deputy Conservator in charge.

75. The Deputy Conservator of Forests in Sind Circle is authorized to set to the candidates in that province questions in those subjects for the examination of Forest officers which comprise the Departmental rules, Accounts and Standing orders, relating to forests and office business.§

76. The rules for the examinations of Forest officers in the Presidency should be enforced in the case of temporary as well as permanent promotions, and no temporary promotion should be granted until an officer has passed his examination.||

Conditions for entrance to Dehra Dun.

77. For conditions of entrance to the Imperial Forest School, Dehra Dun, read section 36.

III. DEPUTATION.

78. Government will be glad to receive applications from Forest officers going on furlough, who desire to avail themselves of the offer made by the Secretary of State in the following despatch to the Government of India, No. 7 (Revenue), dated 20th January 1881:—

“I transmit herewith, for your Excellency's information, copy of a letter from Colonel Pearson, proposing in view of the late disastrous land-slip at Naini Tal, that Forest Officers who may be at home,

* Government Resolution No. 1475, dated 23rd February 1886.

† Government Resolution No. 2114, dated 23rd April 1876.

‡ G. I., A. R. & C., No. 4—245, dated 9th March 1874; vide Government Resolution No. 1440, dated 19th idem.

§ Government Resolution No. 6450, dated 30th August 1883.

|| Government Resolution No. 7086, dated 20th September 1889.

Page 28.

Insert the following after section 72b :—

“ 72c. The course of training for the probationary Assistant Conservators should be as follows :—

(i) During his first year of service in India, the young Forest Officer should be considered to be still under training, and during this period he should not usually be utilized for the ordinary purposes of forest administration.

(ii) The training should be under a selected officer or officers.

(iii) The training should include both active work in a division and a period of work at head-quarters of the Circle for acquainting himself with the systems of forest and revenue laws and with the details of office work and accounts.

(iv) Some arrangements should be made for officer under training to tour in the province, and possibly for visits to selected forests in the province.

(Government Resolutions No. 5720, dated 14th June 1911, and No. 2996, dated 26th March 1912, Revenue Department).”

“ 72d. A thorough knowledge of the local vernacular on the part of every district officer is essential. An officer, who cannot speak freely in their own language to the people with whom he has dealings, must necessarily be largely in the hands of his subordinates. All senior officers will, as occasion requires, impress on the junior officers under their orders the necessity, for the proper performance of their duties, of being able to converse freely in the vernacular. The confidential reports annually submitted on gazetted officers should in future contain information as to the ability of such officers to speak the vernaculars of the districts in which they are serving. This information is not required in the case of native officers serving in districts of which the vernacular is their mother tongue. (Government Resolution No. 2962, dated 9th May 1912, General Department).”

III. Deputation.

on furlough should from time to time be deputed to visit the works in the Basses and Hautes Alpes for the prevention and repair of similar land-slips on the side of the Alps.

"This suggestion seems worthy of adoption, and I shall be prepared to sanction the employment on deputation of any Forest officer on furlough whom your Government may recommend for the purpose on the terms accorded to officers visiting works at the public expense."^{*}

79. The following rules have been prescribed by the Government of India to authorize selected officers of the Forest Department to study during furlough, at the public expense, forest operations on the Continent of Europe :—†

Rules for deputation of officers while on furlough to the Continent.

(i) A Forest officer, desirous of obtaining permission to study Forestry on the Continent, under these rules, must submit an application, through the Conservator under whom he is serving, to the Local Government.

(ii) The Local Government will forward the application to the Inspector General of Forests, with the remarks of the Conservator and its own recommendation in the case.

(iii) The Inspector General of Forests will submit the application to the Government of India for orders.

(iv) The Government of India will require to be satisfied that the officer applying is likely to profit by the additional experience which he will gain by continental study and that he possesses a sufficient knowledge of the language of the country which it is proposed that he should visit.

(v) The application must reach the Government of India not less than four months before the date on which it is proposed to commence a continental tour.

(vi) If the application is sanctioned, the officer should place himself in communication with the Inspector General of Forests, under whose instructions the plan of study proposed will be arranged.

(vii) If an officer should be deputed direct from India to the continental forests, he will receive his orders from the Government of India; but if he should proceed to England, it is advisable that he should report himself to the Revenue Secretary, at the India Office, and it will rest with the Secretary of State to decide what localities are to be visited.

(viii) The total period to be spent on deputation will not, as a rule, exceed six months; and an officer will not be allowed, save in very exceptional circumstances, to proceed to the Continent under these rules more than once. At the end of the period of deputation, the officer selected will submit to the

^{*} Government Resolution No. 2549, dated 7th May 1881.

† Where these rules are not suitable for application, study leave may be granted under the Rules for Officers of Scientific and Technical Departments, *vide* Government Resolution No. 4173, dated 19th November 1909.

III. Deputation.

India Office a diary showing how his time has been spent, and a report which should indicate fully the nature of the operations studied and which should also include suggestions as to the application of such operations to India. The Secretary of State will decide whether the diary and the report show that the time of the officer has been properly employed, and will determine accordingly for what period the daily allowance admissible under Rule IX may reasonably be granted.

(ix) Each officer will be paid, through the India Office, the cost of a first class return ticket or two single tickets in cases where a return ticket available for the period of deputation is not procurable between London and the place to which he may be initially deputed; or if he should proceed to the forests without first coming to England, he will be paid his railway fare from the port of debarkation to the place to which he may be initially deputed and his fare from the latter place to London, provided that the aggregate amount does not exceed the sum to which he would have been entitled if he had proceeded from London. He will also, subject to the preceding rules, be granted a daily allowance of ten shillings during the period of his deputation. Travelling allowance bills in full detail must be submitted to the Revenue Secretary, at the India Office.

(x) The reports, notes and drawings submitted by an officer may not, without the previous permission of the Government of India, be communicated to any professional journal or institution; and the Government of India will be at liberty to print, publish or circulate them should they think fit to do so.

Note.—Forest officers who desire to study Forestry on the Continent under these rules should particularise some specified object which they have in view, or some special study which they desire to undertake, when submitting an application under the rules referred to.*

It is not the intention of the Government of India that desultory touring should be performed at the public expense.†

Rules regarding the deputation of officers going beyond the limits of their jurisdiction.

80. (1) The Governor General in Council is pleased to rule that no officer is entitled to pay or allowances for any time he may spend beyond the limits of his charge, without proper authority.

(2) Heads of departments and other officers may authorise any officer or subordinate under their control to proceed on duty beyond the limits of their charge but within their jurisdiction or to a district or Foreign State or Settlement adjoining such jurisdiction.

* G. I., R. & A., No. 2-F, dated 18th January, and No. 453-F, dated 6th June 1898; *vide* Government Resolutions No. 1231, dated 15th February 1894, and No. 4328, dated 1st July 1898.

† Circular, G. I., R. & A. (Forests), No. 4-F, dated 20th April 1903; *vide* Government Resolution No. 3259, dated 19th May 1903.

III. Deputation.

Deputation allowances. 81. For deputation allowances read section 7 (e), Standing Orders, Forests.

82. An officer leaving his station to hold examinations under article 72(d) of the Civil Service Regulations, 4th edition, cannot be considered to have been on deputation according to the meaning of Article 164 (a) of the Civil Service Regulations.*

Officers leaving their station to hold examination.

IV. DISMISSALS, APPEALS AND MEMORIALS.

A. Suspension, Reduction and Dismissal.

83. The powers which are exercised by the Supreme Government in respect of the dismissal of officers of the Indian Forest Service in the provinces under their immediate control can also be exercised by the Government of Bombay as regards similar officers serving in the Bombay Presidency. The provisions of section 55 of the Indian Forest Code are not applicable to this Presidency.†

Dismissal of officers of the Imperial Forest Service.

84. When a Forest officer is reduced to a lower class or grade, his name will, as a rule, be placed at the bottom of the list of officers in that class or grade; but should the Local Government under which the officer is serving desire, in any special case, that the officer degraded be placed in any other position in the lower class or grade, the fact should be stated in the order reducing the officer: this section applies also to the Provincial and Subordinate Forest Services.‡

Reduction of a Forest officer to a lower class or grade.

85. Any member of the Provincial Service may be suspended by order of the Conservator. The reduction or dismissal of Extra Assistant and Extra Deputy Conservators will be ordered by the Local Government.§

Suspension, reduction or dismissal of members of the Provincial Forest Service.

86. Any member of the Subordinate Forest Service may be suspended by the Divisional Forest Officer. The reduction or dismissal of Rangers and Deputy Rangers may be made under the orders of the Conservator; also that of Foresters and of other subordinates on Rs. 15 per mensem and upwards will be ordered by the Conservator. The reduction or dismissal of guards and other subordinates of the inferior service will be ordered by the Divisional Forest Officer.

Suspension, reduction or dismissal of members of the Upper and Lower Subordinate Forest Establishment.

* Government Resolution, Financial Department, No. 4641, dated 18th July 1901.

† G. I., R. & A., No. 943-F, dated 6th September 1893, *vide* Government Resolution No. 7713, dated 20th October 1893.

‡ Section 56, Bengal Forest Code, 5th edition.

§ Section 58, Bengal Forest Code, 6th edition.

IV. Dismissals, Appeals and Memorials.

A. SUSPENSION, REDUCTION AND DISMISSAL—*continued.*

✓ 87. Divisional Officers have the power to fine to the extent of one month's salary any member of the Subordinate Forest Service serving under them; but fines inflicted on Rangers and Deputy Rangers require the previous sanction of the Conservator.

88. In cases of reduction or dismissal of Forest Guards when the offence is such that it may be made subject of a criminal prosecution, the case will be reported to the Conservator for determination whether a prosecution should be instituted.*

Procedure to be adopted when instituting enquiries into charges of misconduct on the part of Government servants.

✓ 89. (1) It appears desirable to summarise and amend the existing orders relating to enquiries into charges of misconduct on the part of Government officers for the information and guidance of all Heads of offices

(2) Government have noticed with regret that extreme delay sometimes occurs in the departmental enquiries, which necessarily precede further action in regard to charges of misconduct which may end in a criminal prosecution. Government desire to insist on their invariably being conducted with the utmost promptitude. Delay is most injurious both in the public interests and also in those of the officer concerned, inasmuch as it tends to render more difficult the discovery of the truth and keeps under suspicion, which may be unmerited, the individual affected.

(3) When the preliminary enquiry indicates a criminal offence, application to prosecute should at once be made to the authority empowered to dismiss, and permission should be promptly granted, if that authority agrees that there is a *prima facie* case for a prosecution and does not consider that there exist adequate reasons, which must always be recorded, for not instituting a prosecution. This procedure is, however, unnecessary in those cases generally in which the misconduct amounts only to an offence against a special law or rules relating to official duties, though made triable by the Criminal Courts. In such cases, unless there are circumstances which render a criminal prosecution advisable, the misconduct may more suitably be dealt with departmentally. On the other hand, a belief that there is not sufficient evidence to make out a *prima facie* case before a Criminal Court is not a proper reason for substituting a departmental enquiry regarding a criminal offence proper for a prosecution.

(4) On sanction to prosecute being obtained, the officer incriminated shall at once be placed before a Magistrate to be dealt with according to law. On the termination of the judicial proceedings it will be the duty of the departmental superior to consider the evidence and findings and determine whether the retention of the subordinate in the service is desirable or not. This is a matter entirely for his consideration, subject to an appeal to higher departmental authority. He is responsible for the retention or dismissal of his subordinates as may be expedient in the interests of the public service, and in the case of an

IV. Dismissals, Appeals and Memorials.

A. SUSPENSION, REDUCTION AND DISMISSAL—*continued.*

acquittal by a Magistrate, whilst he must carefully consider the reasons, he is not justified in retaining a servant whom he believes on the evidence to be corrupt or otherwise so discredited as to be unfitted for retention in the public service. In minor matters which have been made punishable by a Court, if the superior officer has referred the matter to the decision of a Magistrate, he will be well advised to accept the Magistrate's conclusion; but it does not always follow that in such cases conviction affects an officer's character so as to necessitate his dismissal or removal from service. In the more serious cases touching the moral character of a public servant the decision as to the retention or dismissal or removal of an officer must ultimately rest with the departmental superior. The responsibility is his and cannot be avoided by the substitution of the opinion of the Magistrate or Judge for his own. Before an order of dismissal is made the officer, as a general rule, should be summoned and informed of the reasons for which it is considered proper to dismiss him, and any explanation he may have to make should be recorded and considered. When no prosecution has been instituted the departmental enquiry must be so conducted as to give to the accused servant a fair trial. This requires that he shall be confronted with the witnesses who incriminate him and be shown the documents used to substantiate the charge against him. He must be allowed to cross-examine hostile witnesses and to call in his own for examination, and his explanation must be reduced to writing and carefully considered. A departmental officer is not, it is true, bound by the technical rules of the Evidence Act, but the above principles, which are based on the universally recognised canons of fair dealing, must be attended to, and care should be taken to have the papers compiled in such manner as on their face to satisfy an appellate authority that the enquiry has been so conducted.

(5) The punishment of "dismissal" should in future be considered to be a bar to re-employment in Government service and should be reserved for serious cases. Whenever the dismissal of a public servant is ordered the order of dismissal must be in writing and must contain a clear statement of the reasons for the order.

In less serious cases of actions or omissions showing unfitness to perform the duties of a particular office or of a particular character, and where it is not thought necessary to bar re-employment under Government, the term "removal" or "discharge" should be used.

(6) These orders embody the general principle which should be followed, but do not apply to petty cases of disobedience, insubordination and the like, which are usually disposed of in correspondence, provided that the officer inflicting the punishment takes care to see that the person concerned knows with what he is charged and has had an opportunity of explaining or denying the charge.*

* General Department Circular No. 2749, dated 19th May 1905.

IV. Dismissals, Appeals and Memorials.

A. SUSPENSION, REDUCTION AND DISMISSAL—*continued*.

Appeals to the Government of India against orders of dismissal passed by Local Government to be accompanied by service book.

90. The Governor General in Council desires that when service and character books are maintained under the rules of the service they should invariably be forwarded for his inspection, together with the memorials appealing against removal or dismissal.*

91. Cases occasionally occur in which it is considered inexpedient to undertake the prosecution of Government servants who are dismissed on account of offences for which they are liable to be criminally prosecuted. I am directed to request that in future, in such cases, the reasons which render it inexpedient to undertake a criminal prosecution may be recorded at the time that the order of dismissal is passed. When there is no objection to such a course, the reasons should be included in the order of dismissal of which the dismissed servant receives a copy; but in every case a copy of the recorded reasons for not instituting a prosecution when the offender was liable to one should be forwarded, with any report that may afterwards be made on the case, to Government.†

92. Read again—

Government Resolution No. 2218, dated 18th August 1879, communicating, for general information and guidance, certain instructions laid down by the Government of India on the subject of the dismissal of public servants.

Procedure to be followed in dismissing a public servant.

In the orders circulated with the above resolution the rule was laid down that in the case of the dismissal of a public servant—

- (a) the charge against him,
- (b) his defence, and
- (c) the order thereon

should be reduced to writing.

In inviting attention to the above standing orders, His Excellency the Governor in Council is pleased further to direct for future guidance that in "all" cases of dismissal, the dismissing authority should always record in English, under his own handwriting, a statement showing briefly but clearly the charges brought against the official, the evidence supporting those charges, the motives which are supposed to have influenced him, and the opinion of the dismissing authority on each charge.‡

Notifying dismissals.

92a. Only in the case of heinous offences will dismissal be notified in the Government Gazette.‡

* G. I., H. D. (Public), No. 1926, dated 21st June 1902, *vide* Government Resolution No. 3731, dated 7th July 1902.

† G. I., H. D. (Public), No. 29—1046, dated 20th July 1881, *vide* Government Resolution No. 2568, dated 6th August 1881.

‡ Government Resolution No. 1549, dated 9th May 1883.

IV. Dismissals, Appeals and Memorials.

A. SUSPENSION, REDUCTION AND DISMISSAL—*continued.*

In notifying dismissals declaration of unfitness for re-employment in Government service in any capacity should not be made.*

✓ 92b. To enable the authorities to decide the question of reducing a pension, it is the duty of every officer to take upon himself, when occasion arises, the responsibility of putting his suspicions and the grounds thereof in writing, of recording the answer of the subordinate concerned and of passing an order which shall make clear his own opinion as to the truth or falsehood of the allegations or suspicions which have given rise to the proceedings.

✓ Furlough should not be granted to a subordinate whose conduct is under enquiry until the result of the enquiry is recorded.

✓ 93. Orders issued by the Conservator of Forests, Southern Circle, and sanctioned by Government—

(1) It has come to my knowledge that Forest Guards and others are often in the habit of overstaying their leave. It is therefore necessary that you should issue a circular order when subordinates overstay the time of their sanctioned leave. that every subordinate who is granted leave should return to his duty on the due date, but that if he should be unable to do so for very urgent* reasons he should submit a petition to the Divisional or Range Forest Officer so as to reach that officer before his leave expires giving his reasons for exceeding the period of his leave. The applicant can wait for a reply for 7 days from the date of the expiry of the leave, but if he gets no reply within that time he should rejoin his appointment forthwith.

(2) A guard who exceeds the leave granted to him and fails to communicate to the Range Forest Officer satisfactory reasons for an extension of time should be ordered to rejoin at once, and if he does not rejoin his appointment within 14 days of the expiry of his leave he should be superseded and a new man should be appointed in his place.

(3) When a subordinate is superseded for absence without leave, it should be recorded that he is superseded (not dismissed) as a man cannot be dismissed without prescribed formalities which cannot always be carried out when he is absent. Another reason for using the word "Supersession" is that it is a much less severe form of dispensing with a man's services, and does not necessarily debar his being re-employed under Government nor does it debar the re-employment of the guard by the Divisional Forest Officer; it merely debars any claim he would have had otherwise by re-employment.

* Government Resolution, General Department, No. 2501, dated 26th April 1906.

IV. Dismissals, Appeals and Memorials.

A. SUSPENSION, REDUCTION AND DISMISSAL—*concluded.*

(4) Whenever a guard goes on leave he should be informed that the leave is granted subject to these conditions, and his attention should be drawn in writing to the rules.*

93a. The expediency of inviting to retire should rarely be adopted with the object of ridding the service of an officer with a long record of unsatisfactory service. Pensions are liable to reduction, hence, when any such invitation is made, it should be clearly explained to the officer concerned that it will lie with the superior authorities to determine whether full pension is to be granted or whether it shall be reduced.†

B. Appeals.

94. On considering the right of appeal against departmental punishments at present enjoyed by public servants holding subordinate appointments in the Forest (and other) departments, the Governor in Council is of opinion that the limits laid down in section 35 of the Land Revenue Code, as regards the admissibility of appeals preferred by subordinates of the Land Revenue Department may with propriety be applied to similar officers of the Forest (and other) Department.

His Excellency the Governor in Council is accordingly pleased to direct that if any of the officers specified in the margin, whether of his own motion or on appeal from a subordinate officer's orders, pass order for fining, reducing, suspending or dismissing any officer subordinate to him whose salary does not exceed Rs. 35; or if the Commissioner of a division or the Commissioner in Sind pass any such order against an officer of the Forest (or other) Department whose salary does not exceed Rs. 99, no appeal shall lie against such order, except and provided always that at least one appeal shall lie against every order made of his own motion by any authority other than Government, for dismissing an officer whose monthly salary exceeds Rs. 35.

Conservators and Deputy Conservators in charge of Circles.
Collector of a district.

There is no appeal against a fine not exceeding one rupee.

His Excellency the Governor in Council is further pleased to direct that no appeal lies against any order for inflicting a fine not exceeding one rupee.‡

C. Memorial.

95. (i) Every officer wishing to address a memorial to Government shall do so separately and not in concert with others, but this prohibition against the submission of joint memorials is not intended to apply to or affect the private interchange of individual opinions.

Rules regulating the submission of memorials.

* Government Resolution No. 3297, dated 27th August 1906.

† Government Resolution No. 1348, dated 18th February 1897.

‡ Government Resolution No. 3010, dated 14th May 1900.

IV. Dismissals, Appeals and Memorials.

C. MEMORIAL—concluded.

(ii) No officer in the employment of Government may submit any memorial in respect to any matter connected with the official position which he occupies in which he is not personally interested except as the agent of some person or persons unable to act in their own behalf. The personal interest referred to in this rule may be indirect.

(iii) No officer in the employment of Government shall submit a printed memorial.

(iv) No memorial shall be submitted in a form set for general adoption, but shall be couched in the memorialist's own words and in temperate and respectful language.

(v) Any memorials contravening these rules will not be taken into consideration by the authority to which it is submitted, and the officer or officers submitting such memorials will incur the serious displeasure of Government.*

Note.—For detailed rules regarding the submission of memorials, read Government of India, Home Department (Public), No. 174, dated 23rd January 1905; *vide* Government Resolution, General Department, No. 986, dated 18th February 1905.

* Government Resolutions No. 3452, dated 6th November 1876; and No. 2883, dated 14th October 1879.

CHAPTER II.

MANAGEMENT AND WORKING OF FORESTS.**I. ACQUISITION AND DISFORESTATION OF LAND, ETC.****A. Acquisition of Lands for Forests under the Indian Forest and Land Acquisition Acts.**

96. Whenever the Forest Department propose to take up lands for forests, the application should invariably be forwarded, in the first place, to the Collector of the district, who should submit the matter with his opinion thereon to the Commissioner of the division. The opinion of the Collector should always be given *fully*.

Government look to the Collectors, who are in a better position to judge than Forest Officers, that in no instance is more money given by Government for the rights of occupancy of its own land than is absolutely necessary.*

Lands not acquired should not be notified under section 4 of the Indian Forest Act.

97. Unless a field is duly acquired by Government either by purchase or otherwise it is improper to notify it under section 4 of the Forest Act. Such notifications are productive of unnecessary confusion and trouble.†

98. Actually occupied survey numbers cannot be declared to be reserved forest or dealt with under section 4 of the Indian Forest Act, 1878. If such numbers are urgently required for forest purposes, possession of them will have to be obtained under the Land Acquisition Act, in accordance with section 83 of the Indian Forest Act.‡

The case in which the Land Acquisition Act is required to acquire lands for forests.

99. It is not desirable to bring into operation the provisions of the Land Acquisition Act in order to secure land for forest, except in special cases when the immediate acquisition of the occupied land is urgently needed. It is undesirable to employ the Land Acquisition Act for the purpose of acquiring land to round off a forest block which is intended to be classified as pasture.§

Land Acquisition Act should only be applied where absolutely necessary.

100. Applications to take up land under the Land Acquisition Act should invariably be forwarded to Government by Collectors in the Presidency proper, through the Commissioners. It should be invariably stated by what agency the work for what the land is required is to be carried out.||

Channel for submission of proposals to take up land.

* Government Resolution No. 1653, dated 26th March 1879.

† Government Resolution No. 7537, dated 25th October 1886.

‡ Government Resolution No. 2571, dated 17th May 1880.

§ Government Resolutions No. F. D. 3530, dated 30th December 1887; No. 3950, dated 21st December 1888; No. 2483, dated 30th March 1889; and No. 9019, dated 16th November 1892.

|| Government Letter No. 2394, dated 7th June 1865.

Section 104, page 39.

Add the following as a clause to this :—

“In the absence of an agreement, possession of land should not be taken except where it is permitted either under the orders of Government issued in conformity with the provisions of section 17 of the Land Acquisition Act or in due course after an award has been made under section 16 of that Act. (Government Resolution No. 4251, dated 10th May 1910, Revenue Department).”

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

Opinion of Forest Settlement Officer to be taken when purchase of land is proposed.

101. In all cases in which it is proposed to purchase lands for forests, the Divisional Forest Officer should submit the application to the Forest Settlement Officer in the first instance for opinion.*

Forest Settlement Officer should always consult the Conservator before exchanging lands.

102. The Forest Settlement Officer should always consult the Conservator before actually concluding any exchange of notified forest land for other land.†

103. If Government occupied lands are required for forests, they must be acquired in the usual manner. The process of acquisition of all the area needed may be gradual and long, but this is preferable to securing the land by either paying rent for it on a lease, or giving for it certain forest rights.‡

104. No land can be taken up under the Land Acquisition Act until a declaration has been made and published by Government under section 6, to the effect that such land (describing it) is needed for a public purpose. Under section 7, the appointment of a Collector or Special Officer to take order for the acquisition of the land should follow and not precede such appointment.§

105. Collectors cannot, without the sanction of the Commissioners and Government, transfer lands to the Forest Department.||

106. Commissioners are authorized to sanction purchase of lands, the inclusion of which in forests has already been approved by Government, provided there is a budget provision to meet the expenditure proposed to be incurred in each case.¶

All Collectors (including the Collectors and Deputy Commissioners in Sind) are authorized to sanction the use of Forest land for another Government purpose up to a limit of 5 acres without reference to Government; if the Conservator concerned has no objection. The sanction of the Commissioner should be obtained when the area exceeds that limit.§

The formal alienation from the reserved forest area of land so used is unnecessary.**

* Government Resolution No. 1045, dated 7th February 1883.

† Government Resolution No. 5888, dated 21st July 1885.

‡ Government Resolution No. 5858, dated 20th July 1885.

§ Government Resolution No. 7440, dated 5th October 1883.

|| Government Resolution No. 6460, dated 14th December 1878.

¶ Government Resolution No. 1609, dated 27th February 1883.

§ Government Resolution No. 2657, dated 13th March 1907.

** Government Resolution No. 6473, dated 29th June 1908.

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

107. For the procedure for the payment of compensation for land taken up for public purposes under the Land Acquisition Act, 1895, No. 1451 of 1st March 1902, and No. 1800 of 12th March 1898.

Compensation for lands acquired under the Land Acquisition Act,

108. Notifications under sections 19, 28 and 29 (b) of the Indian Forest Act should be in the forms given below :—

Notifications.

In exercise of the powers conferred by section 19 of the Indian Forest Act, 1878, the Governor in Council is pleased, with reference to Notification* No. , dated the , published at page of the *Bombay Government Gazette* of , to declare the land comprised within Survey Nos. in the village of in the taluka of the District to be a reserved forest from the of 19 .

By order, etc.†

NOTE.—Lands with regard to which the provisions of Chapter II have been duly carried out and which have been notified as Protected Forests under section 28, can, without further enquiry being made, be notified under section 19.‡

109. In exercise of the power conferred by section 28 of the Indian Forest Act, 1878, the Governor in Council is pleased to declare the land comprised within the Survey numbers or portions of Survey numbers hereinbelow mentioned in the village of in the taluka of the District to be a protected forest.

Form of notification for Protected Forests (section 28 of the Indian Forest Act).

Survey numbers above referred to :—

By order, etc.

110. In exercise of the power conferred by section 29 (b) of the Indian Forest Act, 1878, the Governor in Council is pleased to declare that the portion of the protected forest of the taluka of the District comprised within Survey Nos. of the village of be closed for a term of years from the date of this notification, and that the rights of private persons (if any) over such portions shall be suspended during the said term.

Form of notification for closure of certain portions of Protected Forest (section 29 (b) of the Indian Forest Act).

By order.§

* NOTE.—Preliminary notification issued under section 4 of the Forest Act.

† Government Memo. No. 83, dated 6th January 1883.

‡ Government Resolution No. 5305, dated 31st May 1906.

§ Government Resolution No. 673, dated 1st February 1881.

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

Data required when submitting notifications for publication.

111. In all draft notifications relating to forests submitted to Government the correct names of the villages should be entered in the Devanagari character below the English spelling.*

112. Cases arise in which it may be desirable to publish, by means of a fresh notification, amended description of the boundaries of forest reserves already notified under section 19 of the Indian Forest Act, or under other forest enactments. It has been ascertained that there is no legal objection to this course, if the fresh notification provides for the substitution of the boundaries for that which was originally notified, and which, though purporting to describe the boundaries as they existed at the time, has subsequently become incorrect or proved to be open to misconstruction. The appended form of notification is considered suitable for such cases and may be employed whenever necessary. The procedure permitted in the foregoing paragraph must not be held to extend to any such alteration of the boundaries on the ground as would involve either the inclusion of new areas or the exclusion of lands which have already been notified as reserved forest. Such changes require either new settlement or, in the case of disforestation, the previous sanction of the Government of India.

112A. With reference to Notification No. _____, dated _____, published under section _____ of the Indian Forest Act (VII of 1878) at page _____, declaring the _____ forest to be reserved forest, _____ is pleased to direct that the following amended and more accurate description of the boundaries of the said forest be substituted for the description contained in the said notification.†

112B. ‡ Rules regarding Alluvion and Diluvion, owing to changes in the Course of the River Indus, or other waters, in the Province of Sind :—

1. Any land separate from the main banks of the river or seashore by a channel, which contains water throughout its length during the whole year, is to be considered an island.

2. Islands newly thrown up by the river or sea are the property of Government.

* Government Memo. No. 83, dated 6th January 1883.

† Government of India, Department of Revenue and Agriculture, No. 10-F, dated 20th June 1893, vide Government Resolution No. 5338, dated 25th July 1893.

‡ These rules which were framed by Mr. Frere and issued on the 22nd May 1852 were declared to have the force of law under section 45 of the Indian Councils Act by the Government of India Notification No. 1254, dated 30th November 1880 (*vide* Sind Official Gazette dated 11th December 1880).

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

3. All new land not separated from the main land by a channel, containing water throughout its length during the whole year, is to be considered as the property of the owner of the old land to which it is annexed, subject to Government assessment in the cases provided for in the rules below.

4. These rules hold good only in cases of lands newly thrown up by the river in such a manner as to make it impossible to identify them with any lands which may have previously existed on the same spot and been since swept away. If the river, by a sudden change in its course, cut off a portion of an estate without gradual encroachment, so as merely to separate such portion of land from the rest of the estate to which it previously belonged, without destroying the identity or preventing the recognition of the land so cut off, then the land, on being clearly and unmistakeably identified, will continue to be held on the same tenure as before its separation.

5. But no weight should be allowed to the pretended recognition of lands which have been so entirely swept away at some previous period that they disappeared during the whole of a season, and which, on the river again changing its course, are supposed to reappear, merely because in situation or composition they somewhat resemble those previously swept away. These would come under rules 2 and 3.

6. Where lands bordering on the river are leased out by Government it is to be the rule that, whenever $1/10$ th of the land or a portion of the land yielding $1/10$ th of the rental may be swept away the lessee can claim a resettlement of the estate. On the other hand, the Government can assert no claim to assess any increment to lands so leased, unless it amounts in extent or produce to more than $1/10$ th of the estate leased.

7. This rule should be observed even though no provision for such a contingency may have been made in the original lease.

8. When a revision of settlement takes place under these rules on the plea of diluvion, if the total assets of the whole estate settled be found to be from any cause as large as, or larger than, they were computed to be at the time of settlement, the claim for reduction in the lease will be disallowed. If they be less, a proportionate deduction will be allowed, the assessment being calculated on the whole existing assets, in the same manner as when the settlement was originally made.

9. And when Government claim an increase of assessment on account of increment above $1/10$ th, the lessee may, at his option, either have the whole estate resettled, or come under a new engagement for the sum which may be demandable upon the newly accrued portion alone.

Rule, paragraph 262 of
Directions for Revenue
Officers, North-West
Provinces, No. 211.

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

10. Remissions of assessment granted on account of diluvion in fixed leases are to be reported to the Commissioner, and likewise increase of assessment on account of alluvion.

11. Holders of lands in Jagir, or on other rent-free tenure, are to be left in possession of all lands attached to their estates under Rule 3, provided the increment does not exceed by more than 10 per cent. of the land which they held at the date of the latest confirmatory grant issued by competent authority.

12. If the increment exceed 10 per cent., all lands, beyond those previously held under sanction of competent authority, will be liable to assessment, but remain the property of the holder of the original rent-free estate.

13. In cases, however, where a certain fixed quantity of land has been granted rent-free, and not a village, mukam or estate, then the holder can have no claim on any increment to his original lands.

14. If, on any claim being preferred by Government to assess lands newly attached to rent-free estates, it be proved that more or an equal amount of land has, since the date of the last confirmatory grant to the rent-free holder, been lost by diluvion from the same estate, then the claim to assess shall be disallowed.

15. This plea is in no case to hold good with reference to lands which had been swept away before the conquest of Sind.

16. If a rent-free estate be entirely carried away, the holder will have no claim to a new grant, nor in the event of new lands being subsequently formed by the river again receding will rent-free estate be revived. The new lands will be an increment to the estate to which they are attached under Rule 3.

17. Where villages or estates have been granted subject to payment of a quit-rent, Government will not claim to assess any increment until it reaches 10 per cent.; when it exceeds 10 per cent. the whole of the increment will be liable to the ordinary assessment.

A holds in Jagir $\frac{1}{4}$ of the Government revenue of the village of Sayadpur, producing Rs. 10,000 per annum.

(a) Case.—Land producing Rs. 500 per annum is swept away. A will receive only $\frac{1}{4}$ of the remaining Rs. 9,500.

(b) Case.—A similar amount of land is added. A will then receive $\frac{1}{4}$ of Rs. 10,500.

(c) Case.—Land yielding a revenue of Rs. 2,000 is swept away. A will receive $\frac{1}{4}$ of Rs. 8,000.

(d) Case.—Land yielding Rs. 2,000 is added. A has still a right to only $\frac{1}{4}$ of Rs. 10,000.

(e) Case.—The village in 1848, when the grant was confirmed to A, yielded Rs. 15,000 Government revenue, though latterly the value has been only Rs. 10,000. In this case if land yielding Rs. 2,000 be added, A will receive a $\frac{1}{4}$ of the additional Rs. 2,000 as well as of the Rs. 10,000.

18. The same rules which would apply to alienations or leases of the whole Government share shall be applicable where only a fractional portion of such share has been alienated, the addition or deduction, as the case may be, being proportioned to the extent to which the rights of Government may in each instance have been alienated.

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

19. Claims founded on grants by competent authority, specifying particularly the alienation of alluvial land formed by increment, must be decided specially on consideration of the terms of the grant.

20. If cases should arise in the Civil Courts involving questions of alluvion and diluvion, the litigants should be called upon to prove, if possible, the local usage, and by that, if the practice be clear and free from doubt, the Court should decide all cases relating to alluvial land between the parties where estates may be liable to such usage. Where this proof fails, the Court should decide in the spirit of the above rules.

112C. Alluvial Lands claimed by the Forest Department :—

1. It has been brought to the notice of the Commissioner in Sind that it has hitherto been the practice of the Officers of the Forest Department to take possession of any land thrown up by the river along the frontage or in the neighbourhood of forest land to which they have or imagine they have a claim under the Alluvion or Diluvion Rules. This procedure constantly gives rise to vexatious disputes which would not otherwise have arisen, and has in several cases been the cause of needless complications with the Khairpur State.

2. The Alluvion and Diluvion Rules were intended to determine the proprietary rights of private individuals as against Government. They cannot be held to apply to a Government Department. The question whether any new land should or should not be included in a Reserved Forest is one which must be decided on grounds of public expediency alone, and the main consideration by which officers should be influenced in coming to a decision is whether it is probable that the land will ever become of value as forest land or whether it would not be more profitable under cultivation.

3. The following instructions are issued for the guidance of officers who may be called upon to decide such cases in future :—

(1) When any land is thrown up by the river along the frontage of, or in the neighbourhood of, forest land the Collector will in the first instance decide whether any private individuals have rights in the land under the Alluvion and Diluvion Rules.

(2) If it is decided that no such rights exist, the Collector will then decide in concert with the Conservator of Forests whether it is expedient that the land should be included in the forest or not. In case of disagreement the matter may be referred to the Commissioner for decision.

(3) The Forest Department must, under no circumstances, take possession of any such land without the previous consent of the Collector of the District or the orders of the Commissioner in Sind.

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—continued.

4. All cultivation within forest limits must be assessed at the prevailing rates of ordinary Government land in the same taluka. The Conservator will arrange that sufficient test measurements are taken to insure that the whole of the area cultivated has been correctly measured.

112D. Printed letter No. 71 to the address of the Conservator of Forests, Sind Circle, and Circular No. 72 are reproduced below :—

No. 71.—With reference to the correspondence ending with your No. 1483 of the 3rd instant, I have the honour to observe that Mr. Prichard, in laying down, in his Circular No. 1238 of the 11th April last, the general principles on which questions regarding kacha lands claimed by the Forest Department are to be disposed of, appears to have purposely left it to the Conservator to settle, in consultation with the District Officers concerned, the procedure to be followed in giving effect to them.

2. As matters now stand, however, I agree with you in thinking it may save confusion and delay to add a few brief rules as to the time within which, and the manner in which, claims should be made and decided. I append a copy of a supplementary Circular I have issued with that object, and shall be obliged by your instructing your subordinates to conform to it in supersession of your orders referred to by the Collector of Hyderabad in his Memorandum No. 4184 of the 19th ultimo to your address.

3. It is not necessary that any marks, whether permanent or temporary, should be put up by the Officers of the Forest Department on the ground till it has been finally decided to belong to them, and there are objections of principle to their doing so.

4. It is better also to avoid any reference to the Alluvion and Diluvion Rules, except in their application to private claims. The fact that a newly formed kacha adjoins a reserved forest, or that it takes the place of land lost by erosion from a reserved forest, must of course always have a bearing—the importance of which every Revenue Officer will at once admit—on the decision of the question whether it should be placed under the management of the Forest Department or not. But this is a matter altogether apart from the Alluvion and Diluvion Rules, which, as has been pointed out both in Mr. Prichard's Circular and more than once in the correspondence, have no application to accretions not adjoining land privately owned or occupied, and which are binding neither on the Forest Department in making their claims nor on the Revenue Department in disposing of them.

5. I observe that, in the course of the correspondence, you have contended that in the case of forests which have been notified as Reserves with the river as a boundary, all accretions which may be thrown up between the forest as it exists at any given time and the river, irrespective of any changes which may have taken place in the channel since the date of the notification, form part of the reserve *ipso*

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

facto, and cannot legally be taken from the Forest Department except by formal disforestation. This contention, if it were admitted, might lead to serious complications, as for instance, in the case of a recognisable piece of land belonging to a private owner, or even to a foreign state, being cut off and transferred to a forest frontage by a sudden change in the channel. I may add that it would not in my opinion hold good in law. The strict legal interpretation of such notifications as you refer to would, I believe, give to the Forest Department nothing beyond a line drawn along the centre of the river bed as it ran at the date of the notification, irrespectively of subsequent changes. Apart from practical difficulties and inconveniences, such an interpretation would certainly prove inconsistent with the real interests of Government in many cases, as well as with their intentions, as declared in various enactments and rules having the force of law, amongst others, in the Land Revenue Code and Rules.

6. You need not, as far as I can see, be under any apprehension that the rules laid down by Mr. Prichard will operate to 'reduce' unduly the area of reserved forest. I think you will find the Revenue Officers quite ready to recognize, in the absence of any special reason to the contrary, the expediency of leaving such kachas as adjoin original forest frontages in the hands of the Forest Department, and to take a reasonable view of any proposals you may make for enforesting kachas, even when they do not adjoin forest frontages, if they appear to be specially adapted for the production of timber and firewood in localities where the demand cannot be conveniently or sufficiently supplied from existing reserves. In any case in which you may consider that the interests of Government in the Forest Department have not been sufficiently consulted, you have, as you know, the right of reference to this office.

7. It must, however, be clearly understood that accretions, wherever they may form, are, with rare exceptions, the property of Government, that is, of the State, and not of any particular Department or individual, until such time as they have been disposed of by the Collector under the provisions of the Land Revenue Code and the Rules framed under it. Section 64 of the Code and the Rules direct that, in certain cases, the preferential claim of the holders of adjoining lands should be recognized. In all other cases, the question whether the accretion should be placed under the management of the Forest or of any other special Department, or disposed of for cultivation in ordinary course, must be decided on the broad ground of general expediency. What is essential, both in order to prevent disputes and to secure the interests of Government from all points, is that neither the Forest Department nor anyone else should take possession of any accretion, except with permission given by or under the authority of the Collector, and that no time should be lost, when the accretion is one which should, in your opinion, be appropriated to the Forest Department, in applying for that permission and in effecting a settlement.

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A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

8. I have the honour to request that these instructions, copies of which as well as of the annexed Circular will be forwarded for the information and guidance of the District Officers, may be accepted as disposing finally of the questions raised in your letters under reply. (Commissioner's No. 71, dated 8th January 1890, to the Conservator of Forests.)

112E. No. 72.—In continuation of Circular No. 1238 of 11th April 1889, the following instructions are issued for the guidance of officers in the disposal of claims to *kacha* land preferred by the Forest Department :—

1. All claims to new land which have arisen owing to the action of the river in the preceding season shall be notified to the Collector of the district by the Conservator of Forests on or before the 1st November in each year. Each claim should be accompanied by a sketch map, showing clearly the course of the river during the previous cold weather, the changes which have taken place in the preceding season, and the position of the new land claimed on behalf of the Forest Department.

2. The duty of making and receiving the statement of claims may be delegated by the Conservator and the Collector to the Divisional Forest Officers and the Assistant Collectors.

3. No portion of any new land to which a claim has been duly preferred by the Forest Department shall be given out for cultivation except with the express sanction of the Collector, and such sanction should only be given in cases where the expediency of transferring the land claimed to the Forest Department appears to be *prima facie* doubtful. Intimation of sanction should in all cases be given to the Conservator of Forests.

4. No claim on behalf of the Forest Department can be entertained to land in existence on the 1st November in any year to which no claim has been preferred on or before that date.

5. The claims will, in the first instance, be scrutinized by the Assistant Collector, who will reserve the more important cases for his personal enquiry: other cases may be sent to the Mukhtiarkar for enquiry. When an Assistant Collector or a Mukhtiarkar intends to enquire into any case, he shall give the Divisional Forest Officer ten days' notice of the date fixed for the enquiry. After the enquiry has been completed the Assistant Collector will forward the papers, together with a report and any statement the Conservator or Divisional Forest Officer may wish to put in, to the Collector, who will then pass orders on the case.

6. Where it is necessary to demarcate the land, if the officer making the enquiry and the Divisional Forest Officer or other officer present on behalf of the Forest Department come to an agreement as to the proper

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boundary, marks may be laid down at once. In cases of disagreement, the decision of the Collector must be awaited before the land is demarcated.

7. All claims must be decided before the 1st May in the year following the year in which they are made.

8. After deciding a case, the Collector will immediately send a copy of his decision to the Conservator. If the Conservator is dissatisfied with the decision, he may appeal to the Commissioner within ten days after receiving a copy of the decision.

9. All cases at present pending should be disposed of, as far as may be, in accordance with these rules by the 1st May next if possible. A complete list of any which may remain still outstanding on that date should be furnished by the Conservator to the Collector or Deputy Commissioner by the 1st June following, provided it has been entered in this list but not otherwise. Any old *kacha* or part of a *kacha* still in existence after the fall of the river may be claimed afresh before the 1st November next and dealt with under the foregoing rules, in the same manner as if it was a new accretion, anything in rule 4 notwithstanding. (Commissioner's Circular No. 72, dated 8th January 1890.)

112F. The Commissioner in Sind has received a representation from the Deputy Conservator of Forests, accompanied by the correspondence in three cases, that the orders contained in Special Circular No. 24 (1), printed letter No. 71, and Circular No. 72, dated 8th January 1890, are resulting in the grave diminution of old Forest areas.

2. Without passing any judgment upon the exercise of the Collector's discretion in these particular cases, the Commissioner begs to invite attention to the following extract from Mr. Trevor's printed letter No. 71 to the Conservator of Forests :—

"I think you will find the Revenue Officers quite ready to recognize, in the absence of any special reason to the contrary, the expediency of leaving such *kachas* as adjoin original frontages in the hands of the Forest Department, and to take a reasonable view of any proposals you may make for enforesting *kachas*, even when they do not adjoin forest frontages, if they appear to be specially adapted for the production of timber and firewood in localities where the existing demand cannot be conveniently or sufficiently supplied from existing reserves."

3. The Government have recently been employing a special Officer in taking up additional areas of land for forest, as the needs of both Sind and Baluchistan are far beyond the existing supply, and the old forests are being rapidly exhausted. The Commissioner hopes, therefore, that Collectors will supplement these endeavours

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A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued*.

by giving as much kacha both in front of forests, and apart from it, as they can to the Forest Department, when that Department requires it. Cases will, of course, occur where the Collector, in view of serious loss to cultivators by erosion of their lands, feels bound to assist them by grants from alluvial lands thrown up, and the Commissioner would not like to interfere with the Collector's discretion in such cases. But in a recent voyage down the Indus Mr. James was greatly struck with the damage done by the river to the Government's invaluable forests, and every opportunity should be taken of making this good. In no case, should kacha land be given out which is actually in front of and adjoining a forest, except to the Forest Department. As regards other kachas, the Forest Department should not ask for them, unless they are in a position to plant and utilize them. And the rights of individuals to accretions under the law, of course, must not be interfered with.

4. It is quite true that kacha pays Government a larger revenue under crops than under timber or fuel, like woods under oak or larch on a large landed estate in England, and yet woods are necessary for the purpose of fencing the estate, and it will be recollected that cultivation on the protected side of the river embankments is more certain and pays even better than a kacha, while the extensions of canals that are being carried out every year give ample employment for the field labour available. And while the cultivation can be carried on away from the river, forests depend on river spill for their existence. The Commissioner has thought it advisable, therefore, to give this word of caution to Collectors when carrying out Circular No. 72. At any cost the old Riverain forests of Sind must be maintained in undiminished area.

5. One reason for encouraging cultivation on the protected rather than on the river side of the embankments is that, when lands are given out between the Government embankments and the river, instances have occurred of Zamindars raising protective embankments of their own, and so preventing the water from reaching the Government embankments. Then, in a year like the present, when the Zamindar's bands fail, the Government embankments fail also from not having been wetted, and widespread damage is the result. It must be a condition therefore, of the occupancy of all new kacha lands given out for cultivation in future, and the Zamindar must bind himself to it, that no bunds will be erected on the land, should there be a Government band behind it, without the permission in writing of the Executive Engineer, and that, if such permission is given, the Zamindar will raise no objection to the band being cut whenever it is, in the opinion of the Executive Engineer, necessary to do so. (Commissioner's No. 3524, dated 31st August 1894.)

112G. The following extract from letter No. 243, dated 25th January 1895, from the Commissioner in Sind to the Collector of Hyderabad shows that the claim of the Forest Department to any kacha is not absolutely time-barred by failing to prefer the claim on or before the 1st November :—

"2. The dates fixed by Mr. Trevor—1st November for claiming and 1st May as the latest date for deciding—were named so as to keep the Forest Department

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

on the *qui vive* and prevent the great inconvenience caused by lands being claimed after the Revenue Department had given them out for cultivation and to prevent disputes dragging on for years.

"3. I do not like therefore to alter the dates, the more so as my supplement to Special Circular 63-A No. 3534 of 31st August 1899 will show the Assistant Collector that even if the Forest Department do not put in a claim at all, it is his duty to consider the interests of Government in the Forest Department at least as much as the applications of zamindars and not to give out *kachas* adjoining or fronting a forest without my sanction otherwise than to the Forest Department."

No. 3100 OF 1904.

REVENUE DEPARTMENT.

Commissioner's Office,

Karachi, 15th October 1904.

112H. Read draft instructions circulated with this office No. 1440, dated the 6th June 1904, and the following letters :—

No. 3750, dated the 11th June 1904, from the Collector of Sukkur.

No. 1753, dated the 13th June 1904, from the Deputy Commissioner, Upper Sind Frontier.

No. 3148, dated the 17th June 1904, from the Collector of Larkana.

No. 932, dated the 1st July 1904, from the Deputy Commissioner, Thar and Parkar.

No. 2778, dated the 16th July 1904, from the Collector of Karachi.

No. 1508, dated the 21st July 1904, from the Deputy Conservator of Forests, Sind Circle.

No. 5863, dated the 14/15th September 1904, from the Collector of Hyderabad.

Order of the Commissioner in Sind.

On careful consideration of the observations and suggestions received from the Deputy Conservator of Forests and the Collectors and Deputy Commissioners

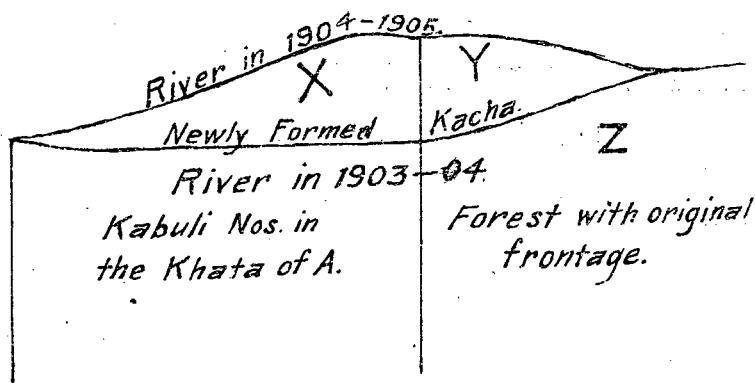
I. Acquisition and Disforestation of Land, etc.

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consulted, the Commissioner has decided to issue the following instructions as regards the principles on which claims of the Forest Department to *kacha* lands should be investigated and decided, and kindred matters.

2. The river frontage of a forest will be deemed to be an original frontage when such frontage has been in existence for five years. Frontages which have been in existence for a smaller number of years are termed recent frontages.

3. *Kacha* land will be considered to adjoin a frontage when it is included between the boundary of the frontage, the bank of the river and the boundary line of the forest produced up to the bank of the river. Thus, in the illustration given, *kacha* Y will adjoin forest; *kacha* X will not.



4. *Kacha* land adjoining an original frontage shall not be given, except to the Forest Department, by the Collector without the consent of the Conservator or Deputy Conservator in charge of the Sind Circle. Should the Collector desire to give out such land against the opinion of the Conservator or Deputy Conservator, he must refer the matter to the Commissioner.

5. When the Collector desires to give out to cultivation *kacha* land adjoining any recent frontage, he shall give notice to the Divisional Forest Officer to show cause why it should not be so given out. The Collector, after giving due weight to the representation of the Forest authorities, will then decide, on consideration of the balance of advantage or disadvantage to Government interests, of the equitable

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A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

claims of previous occupants and of the public, the question whether the land shall be given to the Forest Department or private occupants.

6. The degree of consideration to be given to the claims of previous occupants must depend largely upon the length of time during which the newly formed *kacha* had been submerged prior to re-appearance. When the submersion has been for a period of three years or less, the claims of previous owners as against the Forest Department should generally be considered paramount; where for less than five years, exceedingly strong; where for more than seven years, weak; where for more than ten years, except for very special reasons, of no account.

7. In the preceding rule attention should be given to the words "largely" and "generally." The rule is not hard-and-fast, but indicates the principle which is to be followed. It is recognised that, in certain cases, even after long submergence, the claims of zamindars may be superior to those of the Forest Department. But the proof should, in such cases, be strongly placed on the zamindars. On the other hand, even after a short period the claim of the Forest Department may have to be recognised, *e.g.*, on account of the importance of not cutting off the forest from the river.

8. To *kachas* not adjoining a forest within the meaning of the definition above given, the claim of the Forest Department must be decided on its merits, and as regards equitable claim to occupation on much the same grounds as a case would be decided between private claimants.

9. In all cases, Collectors are cautioned against excess of natural tenderness to the zamindar. When the question of right to a *kacha* lies between zamindar and zamindar, the decision is not infrequently in favour of the frontage owner.

10. The Forest Department as frontage owner must receive no less consideration than the frontage owning zamindar. Whenever a *kacha* intervening between the forest and the river is given to a zamindar, conditions must be laid down securing to the Forest Department the necessary access to the river and facilities for bringing water, if required, through the lands given to the zamindar.

11. It must also be borne in mind that the forest also loses by erosion, and, what the forest loses, zamindars somewhere have gained. It is not proper to let the zamindars gain at the expense of the Forest Department without recognising the right of the latter to compensating gains, even at some loss to the zamindars.

12. Before any claim preferred by the Forest Department to any *kacha* is decided by the Collector, he shall satisfy himself that the land has been personally inspected by the Divisional Forest Officer and the Assistant or Deputy Collector in charge, in consultation if possible, unless the Collector has been able to inspect the land himself.

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*continued.*

13. When the Collector decides to allot any *kacha* to the Forest Department, he shall be at liberty, after hearing and giving full weight to any objections which the Forest Department may have to urge, instead of handing it over at once, to retain it under management of the Revenue Department for a period not exceeding three years, during which the land should be given out only on annual lease. At the end of that period, the *kacha*, unless there are indications of its becoming again submerged, will be handed over in permanency to the Forest Department.

14. After five years' management, the Divisional Forest Officer shall report to the Collector the area of the *kacha* which is still under cultivation and the progress which is being made in developing and utilising the forest, and the Collector, if he considers that the area in question ought not to continue under the Forest Department, but might with greater advantage be given out to cultivation, shall report the matter to the Commissioner, through the Conservator or Deputy Conservator in charge of the Circle.

J. W. P. MUIR MACKENZIE,
Commissioner in Sind.

No. 634 OF 1905.

REVENUE DEPARTMENT.
Commissioner's Office,
Karachi, 13th March 1905.

CIRCULAR.

1121. Whenever the Forest Department claims, by way of accretion or avulsion, any area exceeding 100 acres, then, unless the issue is, in the opinion of the Assistant Collector and Divisional Forest Officer, simple and obvious, the claim shall not be decided or reported on, as the case may be, until the spot has been inspected and the objections of the zamindars have been heard by both the officers jointly. This inspection shall be made as early as possible, and until it is made the land in dispute shall remain in charge of the Revenue Department, who may give it out on khas mokal. The Divisional Forest Officer and the Assistant Collector shall then make a joint report of their recommendations to the Collector.

2. In all cases where, from the record of occurrences within a series of recent years, it is clear that the river is in a state of frequent change, land should not change hands, either from the zamindars to the Forest Department or *vice versa*. When making any claim, the Divisional Forest Officer must invariably certify that he has reason to believe that the set which the river is then taking is likely to be permanent; when zamindars make a claim against the Forest Department, enquiry must be made on this point by the Revenue Officers, and

I. Acquisition and Disforestation of Land, etc.

A. ACQUISITION OF LANDS FOR FORESTS UNDER THE INDIAN FOREST AND LAND ACQUISITION ACTS—*concluded.*

before giving the claim in favour of the zamindars the Collector must certify that the set of the river promises to be permanent. Should the case be one of great importance and the question of permanence of the set of the river be difficult to determine reference may be made to the Engineer, Indus River Commission, whose opinion on the point will be final.

3. Whenever any forest is transferred by the action of the river from one District to another, the Collector of the District to which the Forest has been so transferred should be immediately informed by the Divisional Forest Officer of such transfer in the most formal and regular manner.

B. Disforestation.

113. It should be understood, that no land which has been finally constituted reserved forest under section 19 or section 34 of the Forest Act should be given in occupancy, or otherwise disposed of, without the previous sanction of Government. The case of waste lands which have been notified as proposed reserved forests under section 4 of the Act, or as protected forests rest on a different footing. Instances may occasionally occur when *assessed* waste lands belonging to either or both the above categories may advantageously be exchanged for occupied lands which fall within the proposed forest boundaries, or one more suitable for forest purposes, and where the delay incidental to obtaining previous sanction may result in the failure of the negotiations, whenever prompt action is necessary in such cases, Forest Settlement and Demarcation Officers may be authorized to effect exchanges at their discretion, with the concurrence of the District Forest Officer, without previous sanction of Government. The authority hereby given does not extend, however, to the utilization, for exchange purposes without previous sanction, of any *unassessed* areas included in forests.*

114. The Government of India is not disposed to admit the argument that reserved forest land should be given up merely because it is barren. As a general rule, land which is "poor," "worthless" (for other purposes), etc., should be kept under such forest growth as it is capable of producing.†

115. The sanction of the Government of India is not required to the exclusion from forests of lands which were merely notified under section 4 of the Indian Forest Act, 1878, nor is it necessary for Government to publish any formal notification directing their disforestation.‡

* Government Resolution No. 6429, dated 6th September 1893.

† Government of India, Department of Revenue and Agriculture, No. 966-F, dated 13th October 1887, *vide* Government Resolution No. 7640, dated 9th November 1887.

‡ Government Resolution No. 6028, dated 25th July 1885.

Section 113, page 54.

Add the following clause to this section :—

“The Government of Bombay may without reference to the Government of India, sanction disforestation from reserved forests in territories in which the Indian Forest Act is in force, when the area involved does not exceed one square mile in each case.” Government of India Circular letter R. and A. Department No. 29 F-238-4, dated 21st November 1911—Bombay Government Resolution No. 143, dated 6th January 1912, Revenue Department.

I. Acquisition and Disforestation of Land, etc.

B. DISFORESTATION—concluded.

116. When the Civil and Forest authorities are not unanimous as to the proposed disforestation of any particular lands, the Government of India should be supplied with a full statement of the arguments urged by the respective authorities for and against such disforestation.*

Procedure to be followed when the Civil and Forest officers do not agree regarding disforestation.

117. As there is a great difference between (I) Forests reserved after investigation and settlement under Chapter II of the Forest Act and (II) Forest declared to be reserved under section 34, subject to subsequent adjustment after investigation, in all cases of proposed exclusion from reserved forests it should be stated whether the disforestation for which sanction is asked concerns forests of the first or second class.†

Regarding disforestation of lands notified under sections 19 and 34 of the Indian Forest Act, 1878.

Notification.

118. His Excellency the Governor in Council, with the previous sanction of the Governor General in Council, is hereby pleased to declare, under the provisions of section 26 of the Indian Forest Act, No. VII of 1878, as amended by Acts No. V of 1890 and No. V of 1901, that the area specified below, which in Notification No. , dated the , was declared to be reserved forest under section of that , shall cease to be reserved forest with effect from the

Form to be used in notifying disforestation of lands under section 26 of the Indian Forest Act of 1878.

Specification of land disforested.

District.	Táluka.	Name of Reserve.	Village.	Survey No.	Area.

Unless the description given in the draft notification of the boundaries of the area concerned is sufficiently detailed and precise, the Government of India will be constrained to return, for rectification, any application which does not fulfil this condition.‡

Maps required in important cases.

118A. In cases of importance, a map illustrating the proposals for disforestation of lands under section 26 of the Indian Forest Act should accompany the papers.§

* Government of India, Home Department, No. 172-F, dated 27th February 1886, *vide* Government Resolution No. 1898, dated 10th March 1886.

† Government of India, Department of Revenue and Agriculture, No. 793-F, dated 27th July 1888, *vide* Government Resolution No. 5312, dated 7th August 1888.

‡ Government of India, Department of Revenue and Agriculture, Nos. 6-F, dated 10th March 1892, and 12-F, dated 28th June 1893, *vide* Government Resolutions No. 3329, dated 11th April 1892; and No. 5314, dated 22nd July 1893.

§ Government Resolution No. 3329, dated 11th April 1892.

I. Acquisition and Disforestation of Land, etc.

C. Control of forests not the property of Government.

Form of notice to be issued under section 35 of the Indian Forest Act, 1878. 119. The following is the form of notice to be issued under section 35 of the Indian Forest Act, 1878 :—

Notice.

From

To,

This is to give you notice under section 35 of the Indian Forest Act, 1878, that His Excellency the Governor of Bombay in Council has it in contemplation to issue a notification under the said section of the said Act prohibiting [or prescribing the following, or similar regulations for] the breaking up or clearing of land for cultivation [or the pasturing of cattle, or the firing or clearing of the vegetation, or each of these operations, as the case may be] within the limits of the forest [or waste land, as the case may be], mentioned in the schedule hereto annexed. [If regulations are to be prescribed, here add *viz.* (1), (2), (3), etc.] If you wish to show cause why such notification should not be made, you should appear within two months from the date of receipt of this notice before who has been appointed by Government to hear your objections (if any) and the evidence you may produce in support of the same.

(Signed)

Dated at
the day of 19 }³

120. Lands which Government hold from their owners on lease cannot be converted into reserved forests. Nor do such lands properly fall under section 38 of the Forest Act.[†]

Leased lands.

II. SETTLEMENT AND DEMARCATION.

A. System of Forest Settlement adopted in the Bombay Presidency.

Outline of Settlement procedure as in force in the Bombay Presidency. 121. The system of Forest Settlement adopted in the Bombay Presidency is as follows :—

(a) The settlement work is carried on chiefly by special officers belonging to the Civil Service, who are relieved of all other duties and are deputed upon forest settlement work alone.

(b) In a few cases the Assistant or Deputy Collector in revenue charge of a taluka is Forest Settlement Officer in respect of that taluka and performs the Forest Settlement work in addition to his ordinary revenue and magisterial duties.

* Government Resolution No. 3280, dated 25th June 1880.

† L. R. No. 469, dated 22nd April 1887, *vide* Government Resolutions No. 3021, dated 14th May 1887; Nos. 9344 and 9346, dated 26th November 1884; and No. 2520, dated 10th April 1891.

II. Settlement and Demarcation.

A. SYSTEM OF FOREST SETTLEMENT ADOPTED IN THE BOMBAY PRESIDENCY—*concluded*.

(c) The Collector of the District is generally appointed under section 16 of the Indian Forest Act, No. VII of 1878, to hear appeals from such orders as the Forest Settlement Officer in his Collectorate may pass under sections 10, 11, 14 or 15 of the Act.

(d) In Collectorates in which forest reservations have not been completed, the Forest Settlement Officer, who is invariably in such cases an Assistant Collector, is appointed Demarcation as well as Settlement Officer, and it then becomes his duty to arrange, in personal communication with the Forest Officer in charge of the District, what lands are required to be finally maintained as forests under the Forest Act; each *táluka* of a Collectorate is taken up in turn and demarcated, and in this manner complete selections of lands for forests are made. Lists of these lands are prepared and the latter are entered upon the map of the *táluka* in distinguishing colours and a report containing among other matters the recommendations of the Demarcation Officer, made in his executive capacity, as to the privileges which may be allowed in the lands when they have been constituted forests, is drawn up. These documents are then submitted to the Collector of the District by the Demarcation Officer. If any settlement work has been completed the results are embodied in the demarcation report, which in that case becomes a demarcation and settlement report. The Collector criticises the proposals and records his opinion, and the papers then pass to the Conservator of Forests of the Division, who attaches his remarks and transmits all the documents to the Commissioner of the Division. The Commissioner, after recording his views, submits the papers to Government for final orders. The demarcation lists comprise :—

- (1) Lands already forest.
- (2) Government waste land.
- (3) Occupied lands or alienated lands which are to be acquired.

The Forest Demarcation and Settlement Officer is invested by Government with special powers for the acquisition of occupied lands. Some of these lands are purchased by payment of such compensation as the Demarcation Officer and the occupant may jointly agree to. Others are obtained by exchange, waste lands being given in their place, and sometimes the Demarcation Officer remits, for one, two or three years, the assessment upon the new lands to be given in exchange for the occupied lands to be included in forests.*

B. Appointment and position of Forest Settlement Officer.

122. The Forest Settlement Officer is usually an officer belonging to the Civil Service, who may or may not be put on special duty to carry out the work, according to the extent of the settlement to be done.

Forest Settlement Officer's appointment.

* G. I. to the Government of Madras, No. 3150, dated 23rd April 1883.

II. Settlement and Demarcation.

B. APPOINTMENT AND POSITION OF FOREST SETTLEMENT OFFICER—*continued.*

The object of the appointment of a Forest Settlement Officer is that after a fixed date all rights not asserted before him or otherwise brought to his knowledge may be *extinguished*.*

Reason for appointing a Forest Settlement Officer.

123. There is no objection to a Forest Settlement Officer being also a Forest Demarcation Officer. A Forest Demarcation Officer is not invested, as such, with any powers under the Forest Act and he does not, therefore, hold a "Forest office." Moreover, section 4 of the Act does not absolutely prohibit the appointment of a person holding a "Forest office" to be Forest Settlement Officer. It merely directs that such an appointment shall not "ordinarily" be made.†

Forest Settlement and Forest Demarcation office may be held by the same officer.

124. It seems inexpedient, and not in accordance with the spirit of the Act, that a Divisional Forest Officer should be appointed Forest Settlement and Demarcation Officer.‡

Forest Officers should not hold.

125. The Forest Settlement Officers should submit their diaries to the Conservator of Forests in charge of the Division in which they are employed.§

Forest Settlement Officer should submit his diary.

126. Neither Forest Settlement Officers nor their establishments are under the control of the Conservator, but as he is responsible for expenditure debited to the head of forests, he should countersign the salary and travelling allowance bills of the establishments of Forest Settlement Officers. As these establishments are not subordinate to the Divisional Forest Officers, the Forest Code does not require the bills to be submitted through these Officers.||

Position of Forest Settlement Officer to Conservator.

127. However valuable and useful the suggestions and advice of the Forest Settlement Officer may be, both to the Forest Department and to the District authorities, in connection with the administration of forest lands, it is not constitutionally any part of that officer's duties to submit to the executive authorities official recommendations which relate to the executive management of forests. His position, in proceedings affecting reservation under the Forest Act, is solely that of a Judge. In this capacity he has the power to determine the rights of the State and of the people in certain forest areas, to provide for the exercise of adverse rights, to regulate them, or to extinguish them; and the Government of

Forest Settlement Officer's position is that solely of Judge.

* Government Resolutions No. 3329, dated 24th June 1879; No. 3567, dated 7th July 1879; and No. 7840, dated 9th November 1882.

† L. R. No. 222, dated 16th February 1889, *vide* Government Resolution No. 1125, dated 23rd February 1889.

‡ Government Resolution No. 4157, dated 28th June 1883.

§ Government Resolution No. 4072, dated 30th May 1883.

|| Government Resolution No. 4918, dated 19th May 1885.

II. Settlement and Demarcation.

B. APPOINTMENT AND POSITION OF FOREST SETTLEMENT OFFICER—concluded.

India would prefer, both for administrative and financial reasons, that the official action of Forest Settlement Officers should be confined to performance of these duties.*

C. Duties of a Forest Settlement Officer.

128. A Forest Settlement Officer in his award of settlement is not required to make any record of *privileges*. The Settlement Officer has simply to record in his award column against the different forest numbers, *rights*, their nature and extent, where rights exist, and to record "free of rights" where no rights exist.

A Forest Settlement Officer is not to record that certain forest lands should be expunged and that others are available for exchange. This is the work of a Forest Demarcation Officer and not of a Forest Settlement Officer as defined by the Forest Act.†

129. The Forest Settlement Officer has two principal duties to attend to, first to make a proper inquiry; and, secondly, to dispose of the claims in accordance with the provision of Chapter II of the Forest Act. His enquiry is to be made not only into all claims duly preferred, but he is to search for the *existence* of any rights which are not claimed by examining Government records, taking the evidence of persons likely to be acquainted with any such rights, and personally surveying and mapping out the proposed forest.‡

Forest Settlement Officer's two principal duties are.

130a. The powers and duties of a Forest Settlement Officer, as defined by the Act, are briefly as follows:—

The "Forest Settlement Officer" (*vide* section 4c) is appointed to inquire into and determine the existence, nature and extent of any *rights* alleged to exist in favour of any person in or over any land comprised within the proposed forest limits, or in or over any forest produce, and to deal with the same as provided by the Act.

The Settlement Officer is required (section 7) to take down in writing any statements of claims of *rights* made under section 6, and to enquire into all claims duly preferred under that section, and the existence of any *rights* mentioned in sections 4 and 5, so far as may be ascertainable from the records of Government, and the evidence of any persons likely to be acquainted with the same.

* G. I. R. & A., No. 651-F, dated 6th June 1891, *vide* Government Resolution No. 4560, dated 6th July 1891.

† Government Resolution No. 4919, dated 15th September 1876.

‡ L. R. No. 565, dated 9th May 1881, *vide* Government Resolution No. 3112, dated 31st May 1881.

II. Settlement and Demarcation—continued.

C. DUTIES OF A FOREST SETTLEMENT OFFICER—continued.

In the case of a claim to a *right* in or over any land other than a right, if any, of (way or) pasture or to forest produce or a water-course, the Forest Settlement Officer shall (*vide* sections 9A and 10) pass an order admitting or rejecting the same in whole or in part.

If such claim be admitted in whole or in part the Forest Settlement Officer shall either

- (1) exclude land from the limit of the proposed forest, or
- (2) come to an agreement with the owner thereof for the surrender of his rights, or
- (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, or

(4) if the claim relates to shifting cultivation (section 9A) shall record a statement setting forth the particulars of the claim and of any rule or order under which the practice is allowed or regulated, and submit the statement to the Local Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.*

The Forest Settlement Officer is deemed to be a Collector proceeding under the Land Acquisition Act (*vide* section 10a), and he may, with the consent of the claimant, with the consent of both parties, award compensation in land or partly in land and partly in money (section 10d).

In the case of a claim to *rights* of pasture or to forest produce, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part (section 11).

The Forest Settlement Officer, when passing any order under section 11, shall record (section 12), so far as may be practicable,

- (1) the name, father's name, caste, residence, and occupation of the person claiming the right;
- (2) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any), in respect of which the exercise of such rights is claimed.

* NOTE.—This sub-para. (4) has been taken from the Forest Act (V of 1890) and added to the Government Resolution so as to bring the orders up to date.

II. Settlement and Demarcation.

C. DUTIES OF A FOREST SETTLEMENT OFFICER—*continued.*

If the Forest Settlement Officer admits, in whole or part, any claim under section 11, he shall (*vide* section 13) record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorized to take or receive, or such other particulars as the case may require. He should also record whether the timber or other forest produce, obtained by the exercise of the rights claimed, may be sold or bartered.

After making such record, the Forest Settlement Officer shall (*vide* section 14) to the best of his ability, and having due regard to the maintenance of the reserved forests in respect of which the claim is made, pass such orders as will ensure the continued exercise of the *rights* so admitted. For this purpose the Forest Settlement Officer may,

Section 14, Indian Forest Act.

(i) set out some other forest tract of sufficient extent and in a locality reasonably convenient for the purposes of such claimants, and record an order conferring upon them the right of pasture or to forest produce, as the case may be, to the extent so admitted; or

(ii) so alter the limits of the proposed forest as to exclude forest land of sufficient extent and in a locality reasonably convenient for the purposes of the claimants; or

(iii) record an order, continuing to such claimants a right of pasture or to forest produce (as the case may be) to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may from time to time be prescribed by the local Government.

In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 14 as shall ensure the continued exercise of the said *rights* to the extent so admitted, he shall (*vide* section 15), subject to such rules as the Local Government may from time to time prescribe in this behalf, commute such rights, either by payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

Section 15, Indian Forest Act.

Rule under section 15, Indian Forest Act, regarding Inámdárs' rights.

In cases in which the Forest Settlement Officer "finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 14 of the Forest Act as shall ensure the continued exercise of the Inámdárs' rights to the extent" to which he has admitted their existence, section 15 of the Act requires that the Forest Settlement Officer "shall commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land or in such other manner as he thinks fit." This it is incumbent on the Forest Settlement Officer to do, and an appeal will lie under section 16 of the Act against any order he may

II. Settlement and Demarcation.

C. DUTIES OF A FOREST SETTLEMENT OFFICER—*continued.*

pass. The provisions of the Land Acquisition Act are not applicable. The commutation must be made under section 15 of the Forest Act and subject to such rules, if any, as Government may have prescribed under that section.*

130b. Lands handed over to forests under former demarcations should *not*

Former demarcation need not come under settlement again.

come within the cognizance of the Forest Settlement Officer, for the reason that all claims connected with them have already been enquired into, settled, and recorded, and his settlement has been approved of and

sanctioned by Government, and has been in observance for years. Should the Forest Settlement Officer have reason to suspect that in any instance the previous enquiry was insufficient, he may report the case for the special orders of Government as to whether a detailed enquiry is to be made under the Act.

Although under sections 10, 14 (a), (b) and 15, a Forest Settlement Officer

Forest Settlement Officer has no power to expunge former settlements.

is empowered to exclude proposed forest lands which may be burdened with rights, to give some forest tracts as compensation for rights that were attaching to other forest tracts retained in reserved forests, to alter the

limits of *proposed* forest, so as to exclude forest land from the exercise of rights, he has no power to throw out any portion of declared reserved forest previously settled—land indeed which has not been by law subjected to his operations or control in this respect. Section 26 of the Act prescribes the procedure to be

Section 26, Indian Forest Act.

observed when any forest, or any portion of it, is desired to be removed from reservation, and the Forest Settlement Officer's duties have no connection with this

work.†

131. The proceedings of Forest Settlement Officers under sections 7 and

Procedure under sections 7 and 10 should be full and formal.

10 of the Forest Act should be full and formal, following the forms of procedure in civil suits. They should, of course, regard the contention of Government in reliance on the opinion of the Legal Remembrancer simply as

the case of one party to a suit.‡

132. Under section 28, rights enquired into and

Section 28, Indian Forest Act.

recorded at a survey or settlement are sufficiently enquired into for the purposes of the Act.

A declaration under section 34 does not affect rights of Government or

Section 34, Indian Forest Act.

private persons which have previously been settled in a manner which Government think sufficient. It follows that where rights have either been admitted or *rejected* in favour of Government in such manner, the enquiry is not to be re-opened.§

* L. R. No. 1056, dated 9th August 1884, *vide* Government Resolution No. 6940, dated 29th August 1884.

† Government Resolution No. 4919, dated 15th September 1879.

‡ Government Resolution No. 8438, dated 16th October 1885.

§ Government Resolution No. 4576, dated 30th August 1879.

II. Settlement and Demarcation.

C. DUTIES OF A FOREST SETTLEMENT OFFICER—*concluded.*

133. The Collectors and their Assistants in charge of talukas are to the utmost of their powers to co-operate with the Forest Settlement Officer so as to facilitate the progress of his settlements and prevent undesirable delay in their completion.

Help to be given by the Collector and his Assistants to the Forest Settlement Officer.

The Forest Demarcation Officer should consult the Divisional Forest Officer.

Duties of District Officers with regard to settlement.

134. It is essential that the Forest Settlement Officer should, when preparing the demarcation scheme, work in consultation with the Divisional Forest Officer.*

135. District Officers should consider it to be their duty to bring to the notice of Forest Settlement Officers the existence of any rights likely to be overlooked.†

136. As regards inquiries by Forest Settlement Officers into rights, it is sufficient if full and clear notice is given as required by the Forest Act. It is no part of the duty of these officers to hunt up imaginary claims for decision or to put up people to making claims they never dreamt of. As a British Officer the Forest Settlement Officer will of course take care that no stupid, ignorant man is injured by his claims not being considered, but beyond this he is not required to go.‡

The extent to which rights should be inquired into.

137. As regards privileges, a Forest Settlement Officer may make such recommendations as the circumstances seem to him to justify or necessitate, but the question of privileges must be kept entirely separate from that of rights, and no rights should be admitted except those which are satisfactorily established. It cannot be allowed that the fact that certain rights have been proved or admitted in certain talukas furnishes of itself sufficient evidence or authority to warrant a Forest Settlement Officer in ruling that those rights must be granted in other talukas. The Forest Settlement Officer is required in each case to take the facts as he finds them and to admit rights only where he finds their existence proved. He cannot admit rights in one taluka simply because they have been admitted in another.§

Relating to privileges.

Rights cannot be admitted in one place simply because they exist in another.

D. Nature of Rights.

Classification rights.

138. (i) Right of way and right to a water-course are included in the rights referred to in section 9 of the Indian Forest Act.

* Government Resolution No. 17, dated 4th January 1889.

† Government Resolution No. 9305, dated 24th November 1884.

‡ Government Resolution No. 409, dated 17th January 1883.

§ Government Resolution No. 2051, dated 12th March 1883.

II. Settlement and Demarcation.

D. NATURE OF RIGHTS—continued.

(ii) The Forest Settlement Officer is appointed to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within the specified limits of the proposed forests, and to deal with the same as provided in Chapter II.

Classification of rights. (iii) The rights so contemplated are classed as follows :—

- (1) Right of pasture.
- (2) Right of forest produce.
- (3) Right of way.
- (4) Right of water-course.
- (5) All other rights in or over any land.

Section 10 provides how the Forest Settlement Officer shall deal with the last class of rights.

Sections 11, 12, 13, 14 and 15 provide how the Forest Settlement Officer shall deal with the first and second classes of rights.

The third and fourth classes relate to certain incorporeal hereditaments or easements attaching to the land which is the property of Government. It is obvious that when once after due inquiry a claim to any such right is admitted, or when once the existence of any such right is discovered, the fact of the right is sufficiently established.

(iv) It is clearly the intention of the Legislature that all existing rights of way or to water-courses should be carefully ascertained and preserved intact, unless it is found convenient to stop such ways or water-courses and substitute others for them, as provided in section 24.*

139. It is the duty of the Forest Settlement Officer to enquire into the existence of rights of way as well as any other rights, even if they are not claimed, and necessarily to define in his proceedings whether they are public or private, high roads, cart-tracks or bye-paths. No right of way thus defined and admitted can be afterwards stopped without the previous sanction of the Local Government and until a reasonably convenient substitute has been provided. The provisions of the Act are most distinct and careful, and His Excellency in Council desires that they may be most strictly followed by all officers concerned in forest settlement and management. Any vexatious and illegal interference with forest rights or rights of way in forests will be visited with the severest displeasure of Government.†

Procedure to be followed in defining rights of way.

139a. In awarding rights of way the following particulars should be recorded under the following distinct heads by Forest Settlement Officers :—

* L. R. No. 555, dated 9th May 1881, vide Government Resolution No. 3112, dated 31st idem.

† Government Resolution No. 3112, dated 31st May 1881.

II. Settlement and Demarcation.

D. NATURE OF RIGHTS—*concluded.*

(i) in whom the right vests, namely, (a) the general public, (b) the inhabitants of any particular village or villages, to be named, (c) any private person or persons, to be specified by name;

(ii) the nature of the right, whether for men, animals or carts—a roadway, cart-track or path;

(iii) the width of the roadway or pathway; and

(iv) whether the way is marked on the village survey map or not. When the way is so marked, it should be distinctly decided that the way will lie along the route so marked. If for special reasons diversion is allowed, such diversion should be specified and its locality indicated as nearly as may be feasible, without actual survey.*

E. Nature of compensation to be made in commuting rights.

140. There is no objection to the commutation, where necessary, by the Forest Settlement Officer of rights either by the payment of a lump sum, or by a cash allowance, or by remission of judi, or by giving land revenue free; but a cash payment would in most instances be most advisable in the interest of Government.†

141. The commutation of rights provided for in section 15 of the Act was intended to be, and according to the true construction of the terms of the section, is an extinguishment of the right commuted, for the consideration mentioned just as by section 10, an absolute surrender (sub-clause 2), or complete and permanent acquisition (sub-clause 3) of the rights dealt with by that section, are provided for. This view is supported by the terms of section 26, which appear to assume the operation of the Act on forest rights to be limited to extinguishment or absolute acquisition of the same, and by the fact that nowhere in the Act is there any trace of an intention that forest right should, under its provisions, be suspended or temporarily taken up by Government. The expression at the end of section 15 "in such other manner as he thinks fit" may be construed as having reference only to the consideration to be paid or given for the right commuted, and these words cannot properly be interpreted as in any degree amplifying or affecting the meaning of the word "commuting" which must be read in its ordinary signification of exchanging, out-and-out and permanently. There seems no reason why a cash allowance, either permanent or temporary, and terminable at a fixed period or on the expiry of one or more lives, should not form the consideration for the commutation (*i.e.* permanent acquisition) of rights under section 15. The granting of such allowances, either permanent or temporary, in lieu of the rights commuted would be within the scope of the words "in such other manner as he thinks fit," at the close of the section, and no rule appears to me to be necessary to warrant the adoption of this course. There can be few forest rights for the permanent acquisition

* Government Resolution No. 8344, dated 22nd August 1907.

† Government Resolution No. 1190, dated 9th February 1885.

II. Settlement and Demarcation.

E. NATURE OF COMPENSATION TO BE MADE IN COMMUTING RIGHTS—*concluded*.

(commutation) of which, terminable at periods more or less remote, according to the nature and value of the rights, would not be adequate compensation.*

F. Concerning appeals against orders passed by the Forest Settlement Officer.

142. Section 16 of the Forest Act gives "right of appeal within three months from the date of the orders passed" and it follows that after that period there is no right of appeal against the awards of the Forest Settlement Officers.†

Appeals under section 16,
Indian Forest Act.

143. The Assistant or Deputy Collector in charge of the taluka should be empowered, under section 16 of the Forest Act, to present an appeal against any order the Forest Settlement Officer under section 15 which may appear to him injurious to the interests of Government land revenue, so that all such cases may be brought under the review of the Collector. To enable the Assistant or Deputy Collector to decide whether an appeal should or should not be preferred, a copy of every decision passed by the Forest Settlement Officer under section 15 should be communicated to him by that officer.‡

Powers under section 16,
Indian Forest Act, of
Assistant and Deputy
Collectors to appeal against
decisions of Forest Settle-
ment Officer under section
15, Indian Forest Act.

144. Care should be taken that a copy of the Forest Settlement Officer's report and of any orders passed by him under section 11 of the Indian Forest Act, is communicated to the Conservator of Forests in time to enable him to prepare an appeal under section 16 within the period specified in that section, should such an appeal be deemed expedient.§

A copy of orders passed
by the Forest Settlement
Officer should be sent to

[NOTE.—For Conservator's powers under section 16, Indian Forest Act, read section 336, Standing Orders, Forest.]

145. A copy of every award of a right against the forests, save of a right of way, in respect of any lands which may be made by a Forest Settlement Officer, should be forwarded through the Divisional Forest Officer, to the Conservator of Forests by the Forest Settlement Officer immediately upon the award being made.||

Copy of awards of rights
except right of way to be
sent to

* Advocate General's No. 28, dated 8th November 1887, *vide* Government Resolution No. 8524, dated 15th December 1887.

† L. R. No. 765, dated 5th June 1884, *vide* Government Resolution No. 4888, dated 18th idem.

‡ Government Resolution No. 1190, dated 9th February 1885.

§ Government Resolution No. 4560, dated 6th August 1881.

|| Government Resolutions No. 2988, dated 9th April 1884; and No. 278, dated 13th January 1890.

II. Settlement and Demarcation.

F. CONCERNING APPEALS AGAINST ORDERS PASSED BY THE FOREST SETTLEMENT OFFICER—*concluded.*

146. In the margin of section 18 of the Forest Act is the word "Pleaders," which seems to show that the section refers to the appointment of Counsel by the parties. It may be assumed, as a matter of course, that the Forest Settlement Officer will consult the Forest Department in all his proceedings, and a formal permanent appointment of the Forest Officers, under section 18, to appear for Government is not necessary.*

147. Conservators of Forests are authorized to employ District Government Pleaders generally for the purpose of appeals against the orders of Forest Settlement Officers, whenever such appeals are preferred. The Conservators should instruct the District Government Pleaders as to the ground on which their appeals are to be based.†

148. In the enquiry into all important claims on which the Forest Settlement Officer will pass orders under sections 10, 11, 14 or 15 of the Forest Act, or in regard to which appeal is preferred under section 16, the Forest Officers who are responsible that the interests of Government are adequately represented should apply under the standing rules for the advice and assistance of the Legal Remembrancer, who will make proposals to engage counsel as he may think necessary. The Collector, who is deputed to hear appeals under section 16, should not, of course, take part in these proceedings. The Forest Settlement Officer, who exercises in these enquiries the powers of a Civil Court, cannot with propriety take part in communications relating to the evidence to be collected for the defence. Any decision of the executive Government against admission of forest rights is simply a statement of the position which Government propose to defend if it is assailed in the Forest Settlement Officer's Court, and is in no way intended as an instruction to the Forest Settlement Officer in his judicial capacity. This should be obvious, but the matter is plainly stated here because it has sometimes been misunderstood.‡

149. Section 17 of the Forest Act empowers Government to revise an appellate order when an appeal has been made under section 16. But when no such appeal is made Government have no power to revise the order of the Forest Settlement Officer, nor is Government vested with authority to quash proceedings and direct a fresh enquiry.§

* Government Resolution No. 4034, dated 1st August 1879.

† Government Resolution No. 1048, dated 4th February 1884.

‡ Government Resolution No. 7829, dated 26th September 1885.

§ L. R. No. 643, dated 20th May 1886, *vide* Government Resolutions No. 4090, dated 9th June 1886; and No. 3027, dated 14th May 1887.

II. Settlement and Demarcation.

G. Demarcation.

150. The work of demarcation is of primary importance—not more in the interest of the Forest Department than to protect the cultivators from the oppression and hardship they must necessarily be subjected to if the restrictions essential to forest conservancy are not limited to well-defined areas.*

151. Demarcation includes lands not yet acquired for forests but which are to be acquired as opportunity offers, and the demarcated area is understood to include all the land which it is desirable to include in forest. The demarcation once made should be final and no other policy is expedient. Even where the demarcation settlement has not been made, orders on applications to take up waste lands for cultivation should be passed without delay and not indefinitely postponed.†

152. The Governor in Council has frequently desired that the opinion of the Forest Officers should be obtained in passing demarcation proposals. The Demarcation Officer should consult every local official concerned in forests or agriculture, and any differences of opinion should be placed before the Commissioner and Conservator, that, if possible, unanimity may be attained before proposals are submitted to Government. The excessive bulk and complexity of Forest Settlement Reports might thus be greatly reduced. A Divisional Forest Officer should always have an opportunity of offering his observations concerning proposals made by a Forest Settlement Officer, and his remarks should be forwarded to Government with the other reports.‡

153. Any forest demarcation proposals prepared by the Conservator of Forests should be forwarded through the Collector and Commissioner, who will after such examination of them as they may deem necessary, submit them to Government with their remarks.§

154. No forest settlement proposals can be satisfactorily and finally disposed of, until Government is fully satisfied as to whether the demarcation leaves sufficient land for such extension of agriculture as may be anticipated, and this information must not be omitted from any report.||

* Government Resolution No. 3756, dated 6th August 1870.

† Government Resolution No. 1056, dated 8th February 1883.

‡ Government Resolutions No. 8018, dated 10th October 1884; and No. 1306, dated 12th February 1885.

§ Government Resolution No. 5646, dated 5th August 1889.

|| Government Resolution No. 909, dated 4th February 1886.

II. Settlement and Demarcation.

G. DEMARCATION—*concluded.*

155. Surveys for the purpose of demarcating forests merely need not necessarily be made under the provisions of Chapters VIII to X of the Revenue Code. Section 8 of the Indian Forest Act, 1878, empowers a Forest Settlement Officer to enter by himself, or any officer authorized by him for the purpose, upon any land and to survey, demarcate and make a map of the same, and this appears to be quite sufficient for all the purposes of the Forest Act. Such survey and demarcation can, however, only take place after a notification declaring that it is proposed to constitute a reserved forest has been issued under section 4 of the Forest Act. In such notification it is "sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries" (*vide* explanation 1 to section 4). In the notification finally declaring a forest reserved, to be issued under section 19, the limits must be specified "definitely, according to boundary-marks erected or otherwise."*

156. To throw up river bank forest to attain symmetry of boundary or to provide a small additional area of land for cultivation is in the opinion of Government a mistaken policy. The splitting up of survey numbers should be most carefully avoided, except in cases where owing to the very large size of the number or any other very special cause such a course is found to be absolutely necessary. Resort should certainly not be had to it merely to secure straight and even boundary lines.†

H. Settlement and Demarcation Report.

157. The papers of a forest settlement when placed before Government should comprise :—

Data required in the Settlement Report.

(1) a list of already notified reserves as they are to be retained permanently ;

(2) a list of notified reserved lands which it is proposed to exclude from reserves, with reasons in detail, and the views of the District Forest Officer ;

(3) a list of new lands which it is proposed to constitute reserved forest (to be notified under section 4), with reasons ;

(4) a list of lands, if any, which it is proposed to make protected forest under section 28 ; perhaps also

(5) a list of occupied lands which it is desirable to acquire for forests ; and

(6) a record of rights awarded in reserves.

* L. R. No. 358, dated 17th March 1883, *vide* Government Resolution No. 2813, dated 9th April 1883.

† Government Resolution No. 641, dated 24th January 1889.

II. Settlement and Demarcation.

H. SETTLEMENT AND DEMARCATION REPORT—*continued.*

Where the work of forest settlement is to be done by a young officer of two or three years' service, and especially when there has been previous discussion, the Collector may secure a great economy of time and labour by laying down a general plan after consulting with the District Forest Officer before the Settlement Officer begins his work, and indicating on the map in what localities the notified forests chiefly seem to require enlargement, reduction or consolidation. He might also, with excellent effect, supervise and direct his Assistant's forest work and assure himself that his proceedings are guided by right principles and recorded in a clear and intelligible way.*

158. It is desirable, as a general rule, that a Demarcation Report should also be a Settlement Report, and still more desirable that when proposals for the forest demarcation of a taluka are submitted they should at least be accompanied by a full statement of the nature and extent of the forest privileges, of which the grant is advocated. In cases where the combination of a report on the settlement with a report on the demarcation would materially delay the submission of a report for a taluka the Demarcation Report should be supplied separately, but in such instances the report on the demarcation should clearly state the forest privileges recommended to be given.†

159. The following instructions to Forest Settlement Officers, Commissioners, Collectors, Assistant Collectors and Forest Officers have been laid down by Government :—

1. No precise instructions having been issued as to the form in which proposals for the demarcation and settlement of forests should be placed before Government, the reports of the Forest Settlement Officers are not uniform and are often less complete than is desirable. Government should be in possession of all relevant facts needed for a decision whether both the interests of agriculture and the requirements of forest conservancy have been adequately regarded, and if these facts are carefully collected and arranged before the Collectors, Commissioners and Conservators from their conclusions upon them, there will be a greater probability that the Revenue and Forest Officers will be able to submit to Government a scheme on which they are all substantially agreed.

2. Such a scheme should comprise facts and proposals under the following heads :—

Demarcation of the area naturally suited for reservation as reserved or protected forests ; proposals for alternate closure and opening for grazing and other uses ; estimate of the number of cattle for which grazing can be provided ; months in which grazing is to be available ; probable amount of supply of cut

* Government Resolution No. 3245, dated 6th June 1881.

† Government Resolutions No. 3892, dated 14th May 1885 ; and No. 5007, dated 19th June 1885.

II. Settlement and Demarcation.

H. SETTLEMENT AND DEMARCATION REPORT—*continued.*

grass from closed reserves; history of previous uses of all land enclosed in forests under heads of "old reserves," "free pasture," "assessed and unassessed waste;" review of live stock of taluka and purposes for which it is used, *i. e.*, for the agriculturists' personal uses or for profit; grazing resources of each village which has contributed land to forests; demand of each village for grazing in forests; opinions as to proportion of free grazing and grazing on fee, regard being had to the general regulations on the subject; what animals (sheep, goats, camels) are to be excluded; what privileges other than grazing are recommended; what rights are claimed and admitted; proposals for disforestation.

159a. The division of labour among the officers concerned in framing the settlement proposals, and the heads under which the officers concerned in their several tasks would fall, may be thus suggested:—

Part I.—The Forest Settlement Officer submits his demarcation proposals, stating the area to be constituted and maintained as reserved and protected forest. He works in consultation with the Revenue and Forest Officers of the district, is bound to have careful regard to their criticisms on behalf of the interests they represent respectively, and is expected to submit proposals which are either unanimously approved or contain full elucidation of any conflict of opinions.

Part II.—The submission of a provisional scheme by the Divisional Forest Officer and Conservator with illustrative map, for the utilization of the demarcated area, general plan of working, proportion and rotation of closed area where plantation and sowing will take place, stating time when it is likely to be taken up for forest uses, extent and locality of grazing land, capacity (estimated in acres per head) of the grazing land to admit cattle. The proposals should as far as possible have the concurrence of the Revenue Officers and should be submitted by the Forest Settlement Officer as Part II of his record. Parts I and II having dealt with the disposition and capacity of the forest area, Part III will deal with the popular requirements for its use. The data will be worked out by the Forest Settlement Officer thus* :—

Part III. The Forest Settlement Officer will supply†—

(a) The facts as to user for grazing and other forest produce as existing before his demarcation and his proceedings under the Forest Act respecting all the land included in the forest area. He should particularly note the area of "old reserves" included in the demarcated area, the density of forests in the old reserves, and state from what date these reserves have existed as such, and what has been the practice as to grazing or other privileges in them.

* Government Resolution No. 2480, dated 24th April 1888, has cancelled the words "and Revenue Officers conjointly."

† By Government Resolutions No. 2559, dated 2nd April 1886, and No. 4160, dated 10th June 1886, a form of village statistical statement to accompany Forest Settlement Reports has been prescribed.

II. Settlement and Demarcation.

H. SETTLEMENT AND DEMARCATION REPORT—*continued.*

(b)* Statement by villages of *gáirán*, *gurcharan* or other free pasture (set apart under section 38, Land Revenue Code, or otherwise) included in demarcated area.

(c)* Statement by villages of unoccupied waste, assessed and unassessed, and of grazing land previously sold annually by Collector now included in demarcated area and of proceeds of such sale.

(d)* Statement by villages of any other grazing or cultivated land previously outside but now included in demarcated area, *e. g.*, occupied land bought or acquired by exchange.

The Forest Settlement Officer will supply particulars of:—

[NOTE.—It was formerly the Revenue Officer's duty to supply the following but this has been altered by the Government Resolution noted below, †]

(1) The local practice as to cattle-keeping for—

(a) the plough,

(b) dairy produce,

(c) breeding for sale;

also as to sheep and goats.

Whether the plough-cattle are grazed on forest areas or stall-fed. If the former, in what months forest grazing is demanded and in what months the cattle are at home. If the latter, whether the plough-cattle cannot be stall-fed by grass cut and taken from closed reserves. Whether sheep, goats and camels cannot be fed outside forest area.

(2) For each village contributing land to forests—

(a) The amount of grazing land in village limits not taken into forests; position of each village as to extension of cultivation; suggestions as to future use of such grazing lands as free pasture or to be sold annually by auction; quality and—where assessed—average assessment of this land.

(b) Cancelled by Government Resolution No. 9620, dated 20th December 1889.

(c) Analysis for each village of all grazing resources outside of forests and calculation of number of cattle which—

(a) can be provided with grazing in the village outside forests,

(b) can be stall-fed on grass cut in forests,

(c) must have grazing provided in forests, of which—

(i) how many for plough and supply of milk, etc., to owners,

(ii) how many for trade and profit.

* (b), (c) and (d) may conveniently be united in one statement, together with statistics of population, number of cattle, total area, area under cultivation, unoccupied waste, assessed and unassessed, left after demarcation.

† Government Resolution No. 2480, dated 24th April 1888.

II. Settlement and Demarcation.

H. SETTLEMENT AND DEMARCATION REPORT—*continued.*

(3) Average acreage given out for cultivation during the last ten years.

(4) It is not intended that on these statistics exact rules should be formulated by Government for the limitation of cattle to be admitted to graze in forests, as that is a matter which should be left to local arrangement according to circumstances. The facts will enable Government to judge of the nature of the requirements of each case and the reasonableness of the scheme submitted, and they will also furnish the local Revenue and Forest Officers with a guide in shaping correctly the local regulations as to the opening of forest areas for grazing and the levy of fees.

159b. His Excellency in Council desires to repeat that the only satisfactory forest settlement scheme is that which, after full consideration of all interests, is unanimously recommended by both the departments with a clear demonstration that it adequately provides for the wants of agriculture as well as for judicious and beneficial forest conservancy.*

The report should be fully approved by both the Revenue and Forest Officers concerned.

160. All Forest Settlement and Demarcation Reports, with the remarks thereon of the officers concerned, should be submitted by the Commissioners to Government in print instead of in manuscript. The appendices to the reports may be submitted in manuscript.

Channel through which the report should be submitted.

160a. On receipt from the Commissioner of the manuscript report, the Superintendent, Government Central Press, should, in each case, ascertain in the usual way the number of copies required for the use of Government.

The report should be submitted in printed form to Government.

The Commissioners will ascertain in each case the number of copies required by the Revenue and Forest Officers and communicate it to the Superintendent, Government Central Press.†

Village-sites should be marked on the maps submitted with the report.

161. In all maps sent with Forest Demarcation Reports the different village-sites should be shown, so that their proximity to the proposed reserves might be seen at a glance.‡

162. When any demarcation has been finally sanctioned by Government the Demarcation Officer should forward to the Revenue Survey Department, through the Conservator of Forests, the copy of the village map or maps on which he has laid down the boundaries of the land included in the forest reserves showing by a distinguishing colour whether the reserve is of the first or second class; and in cases

* Government Resolution No. 7677, dated 22nd September 1885.

† Government Circular to the Divisional Commissioners, No. 3712, dated 1st June 1891.

‡ Government Resolution No. 4584, dated 10th August 1876.

II. Settlement and Demarcation.

H. SETTLEMENT AND DEMARCATION REPORT—concluded.

where both classes of reserves may be represented on the same map, indicating the limits of each by their respective colours. The position of the forest boundary marks should also be entered in the map.

The map should be accompanied with a statement showing in a tabular form the survey numbers, areas and assessment of such lands as have been included in the reserves. On receipt of these papers the Superintendent of Survey will make the necessary correction in the survey records, returning the demarcation map to the Conservator. The Superintendent should, at the same time, furnish the Conservator with two fresh copies of the village map with the forest boundaries shown thereon. The Superintendent should make the reduction of assessment appertaining to the lands taken up for the reserves, reporting the amount to the Commissioner in view to his issuing orders for its being deducted from the village accounts.*

163. The entire record of a Forest Settlement and Demarcation Officer, including original maps, proceedings, etc., should on the completion of the work be made over to the Collector and remain in his record room. Copies of such of the maps and documents as the Commissioners consider are likely to prove useful to Forest and Revenue Officers should be supplied to them.†

164. The forest register should contain an accurate statement of all rights and privileges. It should be prepared and signed by the Forest Settlement Officer after the work of settlement and demarcation is complete. In effecting settlements when no rights are admitted an entry to that effect should be made in the forest register.‡

III. BOUNDARIES, BOUNDARY-MARKS AND FENCING OF FORESTS.

A. Boundaries and Boundary-marks.

165. Prickly-pear should not be used for fencing when any other description of hedge is available.§

166. Care should be taken to practise economy in the erection of the longer description of boundary-marks in forest. There is no necessity for their being so near together as at intervals of a hundred feet. It will be advisable that the one on each side of it should be visible from each of these. With this exception, all intermediate bends may be denoted by smaller marks.||

* Government Resolution No. 7270, dated 11th December 1876.

† Government Resolutions No. 1265, dated 13th February 1891; and No. 2165, dated 24th March 1891.

‡ Government Resolutions No. 3263, dated 7th June 1881; and No. 7232, dated 12th September 1892.

§ Government Resolution No. 2169, dated 7th May 1870.

|| Government Resolution No. 4082, dated 23rd August 1871.

III. Boundaries, Boundary-marks and Fencing of Forests.

A. BOUNDARIES AND BOUNDARY-MARKS—*continued.*

167. The boundary-marks of interior survey numbers of a forest block may be allowed to fall into disrepair, the boundary-marks on the outer boundary of the outer survey numbers on the forest reserve boundaries being annually inspected and repaired.*

Boundary-marks of interior survey need not be kept up; those outside should be annually repaired.

168. Government wish to impress upon the Forest Department the desirability of proper demarcation, fencing and guarding of plantations and forest reserves. The mere fact that a few seeds have been sown in a portion of a *gáirán* is not sufficient to entitle a Forest Officer to treat as trespassing, and to send summarily to the pound, cattle which may happen to enter that part of the *gáirán*. There must be some outward and visible sign of closure of *gáirán* in the shape of fences or watchers. In future, when a portion of a *gáirán* has been prepared for closure by the Forest Department, the Forest Officer should report the fact to the Assistant Collector, who will take measures to ascertain if the necessary fences have been erected, and if satisfied on this point will then give orders for the closing of portion of *gáirán*. No cattle should be allowed to be seized or impounded by the Forest Guards until the formal orders, as above directed, by the Assistant Collector for the closure of the land have been issued.†

Rules regarding boundary-marks and their upkeep.

Rules relating to forest boundary-marks and their upkeep.

169. (1) A special forest boundary-mark is to be built at every survey mark.

(2) If the survey boundary-marks are so far apart that the special forest boundary-mark at them cannot be seen owing to the distance; or the physical configuration of the ground, then intermediate special forest boundary-marks must be erected between the two points so as to make the line clearly visible.

(3) To avoid erecting more special forest boundary-marks than are absolutely necessary, and also to define the true line of the boundary clearly, all bushes and undergrowth between two boundary-marks should first be removed.

(4) This clearing should consist of cutting down only all the undergrowth that impedes the view, preventing one forest boundary-mark being seen from its neighbouring one, or when crossing the boundary line at any point, two boundary-marks, one on the right hand and the other on the left should be visible.

(5) The breadth in the clearance should, in no case, exceed 6 feet or two paces, unless the line constitutes a fire-line.

(6) Nothing is to be cut growing outside of the true forest boundary-line.

(7) Trees on the boundary should not be cut down so long as they do not obscure the view of the boundary-marks one from the other, unless for clearing a fire-line.

* Government Resolution No. 6626, dated 7th November 1877.

† Government Resolution No. 1866, dated 10th April 1880.

III. Boundaries, Boundary-marks and Fencing of Forests.

A. BOUNDARIES AND BOUNDARY-MARKS—*continued.*

(8) Where there is but little to cut, the Beat Guard can clear the boundary-line with his own hand.

(9) But where the undergrowth is heavy and the material is saleable the work may be undertaken at Government cost, funds being provided for it in the budget.

(10) Where the undergrowth is heavy and there is no sale for it, Range Forest Officers should, if possible, arrange to have it cut by the villagers, giving them in remuneration the material cut. But in each such case the sanction of the Divisional Forest Officer must always be obtained previously.

(11) The Beat Guard must, after the boundary has once been cleared, keep down all regrowth.*

170. (1) In hilly country and also in the plains where stones are to be found

Specification of forest boundary-marks, in considerable quantity there shall be two classes of forest boundary-marks of the following specification:—

1st—

Shape.—A truncated cone.

Description.—Built of loose stones upon an excavated foundation so that the lowest tier of stones shall be held in position and not pushed out by the weight of the superstructure, especially when the ground becomes wet and slippery. The interstices between the large stones composing the cairn are to be filled in with small stones and the outer stones are to be wedged with stone chips. A shaped stone showing a height of at least 15 inches is to be fixed firmly on the top of the cairn in the centre.

Foundation.—Six (6) inches to be dug out.

Dimensions.—*First class mark* to have a base of 7 feet diameter, to be 5 feet high and the top to be 4 feet diameter.

Second class mark to be on a base of 4 feet diameter, to be 3½ feet high and to be 2½ feet in diameter on top.

Indicator.—A cut stone showing at least 15 inches clear of the cairn to be embedded firmly in the centre on top; the stone to be large enough for a serial number to be cut on it if required.

Colour-wash.—The stone to be colour-washed red annually and lines of the same colour are to appear on the top of the cairns radiating from the centre stone to show the direction of the boundary-lines.

N. B.—Bamboos, or *Euphorbia verrifolia*, Sábri, to be planted in clumps round each boundary-mark.

* Circular of the Conservator, Central Circle, dated November 1896.

III. Boundaries, Boundary-marks and Fencing of Forests.

A. BOUNDARIES AND BOUNDARY-MARKS—*continued.*

Position.—A first class boundary-mark to occupy main points and angles, such as where the boundary of a forest block, forest compartment or village may intersect the forest boundary, and where the latter may take an abrupt turn.

A second class boundary-mark to occupy intermediate points.

N. B.—(1) The boundary-marks are to be placed at visible distances one from the other, so that from any mark its neighbouring one on both sides can be seen clearly.

(2) Where loose stones are not plentiful, instead of smaller cairns to occupy intermediate stations, the first class marks can be connected by a row of stones, showing 1 foot above ground placed in a single line, one guntha chain or 22 yards apart which are to be coloured red.

Approximate cost.—A first class boundary-mark can be constructed at an expenditure of from 7 to 9 annas and a second class boundary-mark at a cost of from $2\frac{1}{2}$ to 4 annas.

(2) In the plains where loose stones are not plentiful, the forest boundary-mark may consist of a truncated cone made of earth well rammed, or of sun-dried bricks, or it may consist of the ordinary revenue survey bāndh or boundary-mark with a stone stuck on the top which will be coloured red and the bānds upon the forest boundary will be connected by stones showing 1 foot aboveground, to be colour-washed red.

It is desirable that the reserves on the plains shall be fenced, and the fences will be supplemental to the boundary-marks for defining and protecting the forest boundaries. Living fences may be made of *Euphorbia verrifolia* (Sábri) and *E. tirucalli* (Shér), *Opuntia dillenii* (Nágphani niwadung), *Ingadulcis* (Vilayati chinch or Deckni babool), *Lawsonia alba* (Mendhi), *Cæsalpinia sepiaria* (Chilhar or Mysore thorn), etc.*

171. (1) The Forest Guard of the beat will be responsible for the maintenance and protection of all the boundary-marks in the forests of his beat, he will colour-wash them annually after the Diváli holidays and will make a special report of having performed this work, he will repair with his own

Rules for the inspection and maintenance of forest boundary-marks.

hands any marks that may become disarranged, and he will plant bamboos or other vegetation, as directed, round or close to each mark, and also upon the forest boundary-line to form a living hedge.

Each forest boundary-mark in his "beat" is to be specially inspected by the Beat Guard at least once in every three months, and a record of his inspection of marks is to be entered in his diary when it may occur.

(2) The Round Guard will be responsible for the maintenance and protection of the boundary-marks in the forests of his round, he will see that they are maintained in proper repair, are colour-washed, as directed, by the Beat Guard, and that the required measure of planting upon the forest boundaries or at or near the boundary-marks is undertaken and performed by the Beat Guard.

III. Boundaries, Boundary-marks and Fencing of Forests.

A. BOUNDARIES AND BOUNDARY-MARKS—*concluded.*

The Round Guard will specially inspect every forest boundary-mark in the forests of his round once in every year and will make a record of every inspection made in his diary when it may occur, and also will submit a special report to the Divisional Forest Officer upon the state and condition of the boundary-marks, forest boundaries, living hedge, etc., as soon as he may have completed the inspection of the boundaries of any forest village or forest block.

(3) The Range Forest Officer will, during the official year, inspect and specially report upon the state and condition of the forest boundaries and forest boundary-marks of not less than two miles of forest boundary in every "beat" in his range. A record of inspections made will be entered in his diary when they may occur.*

B. Fencing.

172. The Conservator of Forests, Central Circle, should be requested to restrict wire-fencing to such works as valuable plantations, nurseries, protective reboisement works, dépôt compounds, etc. The information now before Government shows it to be very doubtful whether large expenditure upon the wire-fencing of forests is likely to be justifiable in the interests of forest conservancy.

172a. The procedure followed in indenting for large supplies of expensive stores from England does not provide sufficiently for the obtaining of the explicit sanction and approval of Government in respect of the expenditure involved. The Governor in Council is accordingly pleased to direct that when forwarding indents of stores for compliance, the officer in charge of Forest Circles should draw special attention to items of new or unusual character, or to any unusually expensive order, and should fully explain the necessity or advantage of the expenditure involved. All forecasts of the value of the probable requirements in respect of forest stores as well as the indents for such stores should be submitted to Government in the Revenue Department.†

IV. FOREST SURVEYS.

A. Constitution of the Survey Department.

173. 1. All Forest Survey operations in India and Burma, other than those undertaken by local Forest officials, will be carried out under the superintendence of an officer of the Survey of India, who will be nominated by the Surveyor-General and designated Superintendent, Forest Surveys. He will be in charge of the Forest Survey Branch of the Survey of India, and his

* Conservator's Circular.

† Government Resolution No. 176, dated 10th January 1901.

No. 56.

Section 173. Pages 78 and 79.

Add the note made in Government Resolution No. 11151, of 25th November 11, *viz.* :—

Forest Officers (in Sind) should have free access to the results of the annual work of the Indus Commission Staff along the Indus, and should bear in mind that these results are available.

IV. Forest Surveys.

A. CONSTITUTION OF THE SURVEY DEPARTMENT—*concluded.*

Position and powers will be in all respects similar to those of the Superintendent, Trigonometrical Survey.

2. All officers of the Survey of India, both Imperial and Provincial, at the present on deputation to the Forest Department for survey purposes, as well as 20 party in its entirety, will revert to the Survey of India.

3. The permanent native subordinate establishment of the old Forest Survey Branch of the Forest Department will be transferred to the Survey of India.

4. All members of the new Forest Survey Branch will be subject to the rules and regulations laid down for the Survey of India.

Paragraphs 5, 6, 7, 8 and 9 treat with accounts.

173a. 10. The annual programme of Forest Surveys for Bombay will be prepared by the Superintendent, Forest Surveys, and be submitted for approval to the Bombay Government. The programme will then be submitted by the Superintendent, Forest Surveys, to the Surveyor-General who,

The annual forest programme for the Bombay Presidency. after consultation with the Inspector-General of Forests, will include it in the general programme of the Survey of India, which he submits annually to the Government of India for approval. It is essential that the programme for the year should be settled not later than the 1st July in that year to allow of the probable cost of the operations being intimated by the Superintendent, Forest Surveys, to the various Conservators concerned with a view to suitable provision being made in the Revised Estimate of the Forest Department. When the annual programme of Forest Surveys is settled, the Superintendent of Forest Surveys will furnish each Conservator concerned a forecast (as accurate as possible) of the operations to be undertaken in the following year and their cost, to serve as a basis in the preparation of the Budget Estimate.

11. The Superintendent, Forest Surveys, will, as heretofore, keep up the map records of the Forest Department and will prepare such index and working plan maps, and such other special maps and tracings as may be sanctioned by the Inspector-General of Forests. He will also be responsible for the safe custody and distribution of all forest maps.

Paragraph 12 treats with accounts.

173b. 13. Minor Forest Surveys which are within the competence of the Provincial Forest staff will be conducted by the local officers of the Circle concerned, but whenever such a work, not of a petty nature, is so undertaken, the advice of the Superintendent, Forest Surveys, regarding it should first be obtained through the officer in charge of the Working Plans Branch.*

* Government of India, Revenue and Agriculture, Circular No. 3-213-5-F, dated 11th February 1904, *vide* Government Resolution No. 1966, dated 11th March 1904.

IV. Forest Surveys.

B. Scale of Maps for Forests.

174. The normal scale for the forest survey maps should be one of 4 inches to the mile, but it is open to the Conservators of Forests to obtain sanction at any time before a survey is taken in hand for the enhancement of the scale to 8 inches to the mile if the forests are very valuable or for the utilization of the ordinary topographical maps on the 2 inches scale if the forests are of little value, full reasons being given in each case for departure from the normal practice.*

Scale sanctioned for
Kolába District.

175. 1. The 8-inch scale should be adopted in conducting the Forest Surveys throughout the Kolába District.†

Scale sanctioned for Kánara and part of Belgaum.

2. The scale prescribed for Kánara and the Railway Fuel Reserves of Belgaum is 4 inches to the mile.†

Teak and other areas of
Khándesh.

3. The scale sanctioned for the teak areas of Khándesh is 4 inches to the mile, babool areas of Khándesh are to be mapped on the 8 inches scale.†

Teak Forest in Surat.

4. Two inches maps have been sanctioned for the Mándvi Táluka of the Surat District.†

Násik.

5. Násik Division has been mapped on the 8 inches scale.†

6. The Survey of Sátára, Nagar and Sholápur Divisions have been surveyed on the 4 inches scale, except teak areas and river side babul in which the 8 inches scale has been employed.†

Sátára, Nagar and
Sholápur.

V. WORKING PLANS..

A. Control in the preparation of Working Plans.

176. The value of, and necessity for, Working Plans carefully prepared and drawn up on a scientific basis appear to be unquestionable. On the importance of Working Plans. The importance of such plans has been fully recognized by the Government of India in respect of the forests in the provinces where the forest administration is directly under the control of that Government, and if such plans are requisite in the Central Provinces, Bengal, the

* Government Resolutions No. 5307, dated 7th August 1888; and No. 8185, dated 7th December 1888.

† Government Resolutions No. 7196, dated 9th September 1892; No. 1115, dated 15th February 1901; and No. 4755, dated 9th July 1901.

‡ Government Resolution No. 8433, dated 3rd December 1901.

Sections 177 and 178, page 81

Cancel these, being superseded by section 180a.

Section 178a, page 81.

The words "Superintendent of Working Plans" in the first two lines should be deleted. (Government Resolution No. 12120, dated 15th December 1909, Revenue Department).

V. Working Plans.

A. CONTROL IN THE PREPARATION OF WORKING PLANS—*continued.*

Punjab, Burma and the North-Western Provinces, they are equally needed in respect of the extensive and valuable forests in the Bombay Presidency, notably in Thána, Kánara, Sátára, the Dángs, Násik, the Panch Maháls and Belgaum. Without such a definite scheme of operations founded on careful calculations after personal inspection and examination, there is a serious risk of the forest capital being unduly drawn upon and of excessive cuttings being made in the present which after the lapse of a few years might lead to a partial collapse of forest revenues. There is also the danger, though this is less to be apprehended, that forests may be worked below their capabilities, and that income may thus be lost which might safely have been earned.*

- 177.** The Governor in Council is pleased to direct that the present system of administrative control by the local heads of circles should continue subject to the modification involved in the orders below. In regard, however, to the preparation of working plans the case is different. The fact that in Sind and the Southern Circle little organization remains to be done is discounted by the probability that constant modifications of working plans in all circles will doubtless be required; and it is of importance that Government should obtain the opinion of an expert adviser on the technical questions involved. All Conservators will of course continue to discuss and express their views on plans pertaining to their circles, but all plans or proposed modifications of plans should be submitted to Government through the Senior Conservator who, so far as preparation goes, will be the Superintendent of Working Plans.†

Appointment of the Conservator, Central Circle, as Superintendent of Working Plans.

- 178.** All working plan reports should be countersigned by the Superintendent, Working Plans, before being forwarded to the Collector and Commissioner as regards the other proposals, Government consider that all such reports should be submitted to Government in print by the Superintendent, Working Plans, through the Commissioner, with so much of the correspondence with subordinate officers, whether relating to matters in agreement or disagreement, as the Superintendent and the Commissioner consider it advisable for Government to see, for the purpose of passing orders.

Superintendent, Working Plans, should countersign working plan reports.

- 178a.** All plans should be countersigned by the Conservator, the Superintendent of Working Plans, the Collector and Commissioner in token of general approval. When such approval is modified in any material particular, the endorsement to be countersigned will be "approved subject to

All working plans should be countersigned

marks in

* Government Resolution No. 4611, dated 8th June 1885.

† Government Resolution No. 1625, dated 11th March 1902.

‡ Government Resolution No. 3735, dated 10th June 1903.

V. Working Plans.

A. CONTROL IN THE PREPARATION OF WORKING PLANS—*continued.*

179. Working plans shall, as far as practicable, be prepared for all forests or collection of forests—whether Reserved, Protected or Unclassed—under the management of the Department. Their preparation will be carried out by local agency and under the general or special orders of Government, but in order to ensure that plans may be drawn up according to correct principles, the Conservator shall submit to the Superintendent of Working Plans before, or as soon as possible after, the commencement of operations, a preliminary report.

Procedure to be followed when framing working plans.

179a. This report will contain a short description of the forests for which it is contemplated to frame a working plan, facts relating to their management, working and re-production, the future treatment recommended, with the reasons for the same, propositions regarding the basis on which it is intended to build the plan of exploitation and management (whether on area, material, or material with area-check); and proposals with regard to valuation surveys.

Preliminary report.

The Superintendent, Working Plans, will retain this report, and communicate his remarks thereon to the Conservator. The officers in charge of the local working plans divisions will be subordinate to Conservators who are responsible, within their respective Circles, for the preparation and subsequent due observance of the prescription contained in the working plan. Conservators should consult the Superintendent, Working Plans, on all important technical points connected with the elaboration of the working plans.*

Superintendent, Working Plans, may issue orders on technical points in connection with working plans.

180. The Superintendent, Working Plans, may issue, in the form of circulars or otherwise, directions regarding the technical part of the preparation of working plans, and call for information regarding the control of existing working plans.

180a. The Governor in Council is of opinion that the Senior Conservator should be relieved of the functions with respect to working plans assigned to him by Government Resolution No. 1625, dated 11th March 1902, and is pleased to direct, in modification of the orders passed in that Resolution, that his functions should be restricted to presiding over conferences of Conservators, to submitting proposals in which all Conservators are consulted and to advising regarding appointments which concern more than one Circle. Conservators should in future tabulate working plan data, each for his own Circle, free communication between the Circles being obtained by exchange of reports and tabulated results, as well as by periodical conferences. Each Conservator will always have before him the proposal of the Working Plans Officer of his Circle, checked by the criticism of the Divisional Forest Officer, and will be the final expert authority for plans of his own Circle.†

* Government Resolutions No. 7626, dated 2nd November 1903; and No. 174, dated 12th January 1903.

† Government Resolution, Revenue Department, No. 12120, dated 15th December 1909.

V. Working Plans.

A. CONTROL IN THE PREPARATION OF WORKING PLANS—*concluded.*

181. The organization of the forests containing teak is obviously of considerably more importance than that of the forests in which teak is wanting or poorly represented, and should be taken in hand first, and in times of financial pressure and stagnation of the trade in timber the outlay on feeder roads and similar works of development must be restricted to works of which the direct and immediate profit can be conclusively demonstrated.*

Selection of areas to be first taken in hand.

181a. Copies of all working plans also control forms of all working plans should be forwarded to the Inspector-General of Forests (care of the Imperial Superintendent of Working Plans, Dehara Dun) for information and record.†

Submission of working plans and control forms to Inspector-General of forests.

B. Rules to be followed in framing Working Plans.

182. (i) The Working Plan Report shall as far as possible be drawn up in the following form :—

General rules for the preparation of working plans.

INTRODUCTION.

Part I.

SUMMARY OF FACTS ON WHICH THE PROPOSALS ARE BASED.

Description of the Tract dealt with.

Name and situation.
 Configuration of the ground.
 Underlying rock and soil.
 Climate.
 Agricultural customs and wants of the population.

The Composition and Condition of the Forests.

Distribution and area.
 State of the boundaries.
 Legal position.
 Rights.
 Composition and condition of the crop.
 Injuries to which the crop is liable.

* Government Resolution No. 3646, dated 9th June 1900.

† Government Resolution No. 1473, dated 8th February 1907.

V. Working Plans.

B. RULES TO BE FOLLOWED IN FRAMING WORKING PLANS—*continued.*

System of Management.

Past and present systems of management.
 Special works of improvement undertaken.
 Past Revenue and Expenditure.

Utilization of the Produce.

Marketable produce : quantities consumed in past years.
 Lines of export.
 Markets.
 Mode of extraction and its cost.
 Net value of each class of produce.

Miscellaneous Facts.

The Forest Staff.
 Labour supply.

Part II.

FUTURE MANAGEMENT DISCUSSED AND PRESCRIBED.

Basis of Proposals.

Working circles how composed ; reasons for their formation.
 Compartments ; justification of the sub-division adopted.
 Analysis of the crop ; method of valuation employed.

*Method of Treatment.**

Object sought to be attained.
 Method of treatment adopted.
 The exploitable age.

*The Fellings.**

The general working scheme ; calculation of the possibility.
 Period of which the fellings are prescribed.
 Area to be felled annually or periodically ; order of their allotment.
 Nature of and mode of executing the fellings ; forecast of condition of crop at
 their conclusion.
 Tabular statement of the fellings to be made.

*Supplementary Regulations.**

Cleanings, thinnings, or other improvement fellings.
 Grazing and other rights.
 Sowings, plantings, or other works special to each circle.
 Improvements common to whole area.

* NOTE.—Each working circle should be separately dealt with as regards the method of treatment, the fellings, and all supplementary provisions, except those that are common to the whole area, such as the construction of roads, etc., *vide* Inspector-General's Circular No. 6-W. P., dated 11th May 1896.

V. Working Plans.

B. RULES TO BE FOLLOWED IN FRAMING WORKING PLANS—*continued.*

*Miscellaneous.**

Miscellaneous prescriptions.

Changes proposed in the Forest Staff.

Financial results of proposed working.

Appendices.

Maps.

Description of crop in each compartment; written or by stock-maps.

Valuation surveys; written record of results.

Rates of growth; record of observations made.

A concise summary (by working circles) of the prescriptions of the Plan.

Miscellaneous statements.

(ii) The year for which operations are prescribed (or estimates made) will, as for the annual plan of operations, be the forest year.

(iii) The accuracy or minuteness of the Working Plans will depend upon the demands which are made on the forests, the nature and value of the produce removed from them, and the other purposes which they are to fulfil.

(iv) Where the demand exceeds or even equals the possible outturn, Working Plans must be prepared with the greatest minuteness, and everything must be arranged so as to obtain the highest outturn which the forest is capable of returning under the most careful management. Where, on the other hand, the demand is as yet below the ordinary capability of the forest, a more rough and expeditious procedure may be followed.

(v) The officer who prepares a Working Plan will be held responsible for the accuracy of the statistical information it contains: provided that in cases where the conditions are such that the collection and record of such information can safely be entrusted to his subordinates, the names of such subordinates shall be mentioned in the Working Plans Report. The Working Plans Officer must, under any circumstances, make a personal inspection of all portions of the area dealt with, which it is proposed to exploit under the provisions of the plan, and satisfy himself that all information, however collected, in respect of such portions is accurate.†

Regeneration Fellings.

183. Fellings made with the view of replacing the existing crop of trees by a new crop. These are classified in accordance with the method of treatment as follows:—

List of terms to be used in describing fellings.

* [Note.—Information upon the following matters should also be furnished in order to indicate the actual cost of the Working Plan:—

(a) Establishment employed.

(b) Expenditure incurred under all heads.]

† The above is portion of Article 87 of the Bengal Forest Code.

V. Working Plans.

B. RULES TO BE FOLLOWED IN FRAMING WORKING PLANS—*continued*.

(1) *Regular Fellings*, whereby it is sought to produce, by natural means from self-sown seedlings, a new crop regular in its constitution. Such fellings may be "preparatory," "secondary," etc., or final, and all but the last may be either "close" or "open."

(2) *Selection Fellings*, which consist in the methodical removal of the exploitable trees in a forest, either singly or in groups, with a view to producing, by natural means from self-sown seedlings, a new crop irregular in its constitution.

(3) *Coppice Fellings*, of which the object is to produce a new crop composed of shoots and suckers from the stools and roots of the trees felled. Such fellings may either be "clean," in which case "simple coppice" is produced; or a certain number of trees may be reserved as "standards" over the coppice, in which case the resulting crop is called "coppice with standards."

(4) *Clean Fellings*, made with the view of re-stocking the area felled by planting or sowing it.*

Amelioration Fellings.

Fellings made with the view of improving the condition of the existing crop. These include:—

(5) *Improvement Fellings*, which consist in the cutting out of ill-grown or injured trees, or trees of inferior species, with a view to their being replaced by sound coppice or by seedlings of a better kind, or in order that the blanks so caused may be planted up.

(6) *Thinnings*, which consist in the removal, from an immature crop, of stems of either the principal or accessory species in order to give the crop of the future more room for unconfined growth.

Unclassed Fellings.

(7) *Unclassed Fellings* include the unmethodical removal of trees by right-holders or grantees, or by purchasers, under permits or trade licenses.†

184. The local circumstances of the Konkan make it necessary that the unit of working area should be comparatively small,

Size of coupes in the
Konkan.

and that the annual fellings should be numerous and widely distributed. The importance of decentralising

forest labour is obvious in a tract where the local demand for forest produce for domestic and agricultural purposes is exceptionally large, and where so large a proportion of the population depends mainly for its subsistence on the wages earned by felling, carrying and distributing such produce. Forest blocks as well as compartments must also be of small size, so that the open portions of

* Government of India Circular No. 25-F, dated 13th August 1889, *vide* Government Resolution No. 6887, dated 13th September 1889.

† Government Resolution No. 6887, dated 13th September 1889.

V. Working Plans.

B. RULES TO BE FOLLOWED IN FRAMING WORKING PLANS—concluded.

forest available for grazing may be within convenient distance of the different forest villages. The success of the system now under trial for supplying the cultivators with loppings for ash manure from the annual coupes also clearly depends as much on the number and situation of the coupes as on the actual quantity of such material made available. Government recognizes the necessity of cutting compartments when due, and expects that the Revenue Officers will cordially co-operate in inducing the cultivators to utilise the raw material obtainable from the fellings to the fullest possible extent consistent with the due protection of the coupes. The conservation of the young growth in the coupes is a matter of serious importance, and the measures adopted to secure the object in view should be specially noted in the Forest Administration Reports.*

Procedure to be followed in laying out coupes on a frontier.

185. Coupes should be kept about 2 "gunthás" inside all frontier boundaries, to save the occurrence of boundary disputes.†

186. When a Divisional Forest Officer, Working Plans, enters a Collectorate to work there for a time, he should write to the Collector and inform him of his arrival and of the nature and extent of the work he is about to undertake within the Collector's jurisdiction.‡

Divisional Forest Officer, Working Plans, should inform the Collector of his arrival in a district.

C. Standing orders to be followed in carrying out the provision of Working Plans.

187. The rotation of coupes as fixed in a sanctioned Working Plan must be adhered to unless, for very special reasons, it is considered necessary to alter the fixed order, in which cases the previous orders of Government must be obtained.‡

The rotation of coupes should not be changed without Government sanction.

188. Previous notice should be given to forest villagers of proposals to close any particular area when being treated under the coupe system, so that they may have ample time to lay a complaint regarding any hardship, such as access to water, etc., which may arise by such a closure.‡

Previous notice should be given to forest villagers of proposed closure of a coupe.

189. When once a Working Plan has been sanctioned by Government it seems unnecessary that the Divisional Forest Officer should refer to the Collector for special sanction on each occasion before a coupe is exploited and closed in accordance with the fixed rotation. Closure should, however, not be inflicted for punitive purposes without the consent of the Collector, and as remarked by Government (read section 187, Standing Orders, Forests) any departure from the fixed rotation requires the sanction of Government.‡

Divisional Forest Officer need not apply for sanction to close coupes when felled in regular rotation.

* Government Resolution No. 3609, dated 25th April 1892.

† Government Resolution No. 5900, dated 11th July 1894.

‡ Government Resolution No. 9051, dated 22nd December 1903.

V. Working Plans.

C. STANDING ORDERS TO BE FOLLOWED IN CARRYING OUT THE PROVISION OF WORKING PLANS—*concluded*.

190. So long as local supply is not affected, and the wants of the villagers can be otherwise provided for, a matter regarding which the Collector is best able to judge, Government will not insist on departmental felling of coupes for the produce of which there is no demand. It is most desirable, however, that, as far as possible, the coupes should be felled in regular rotation; otherwise the regularity and the orderliness of the rotation system is lost, and it is deprived of its main advantage when, owing to areas that should have been cut in previous years being left standing, the Conservator's forecast of the area to be cut, and, therefore, of the quantity of timber he has to put on the market, is upset. Where a coupe has not been felled in its proper year, every effort should be made to dispose of it in the following season.*

VI. PRIVILEGES.

A. General.

191. Privileges pertaining to each Division are either sanctioned by Government or in some cases by the Collector of the District.

191a. The Conservators and Deputy Conservator of Forests in charge of Circles are authorised to order a temporary extension of forest privileges. The Commissioner in Sind and the Commissioners of Divisions are authorised to order temporary withdrawals of privileges.†

192. The Governor in Council has always been careful, while formally conceding liberal privileges on the completion of a forest settlement to communities which are reported to have enjoyed them, though as a matter of favour and not of right, for many years past, to make it clearly understood that such privileges are intended to be exercised as of favour only and are subject to withdrawal at any time.‡

193. Privileges which are exercised as of favour should be defined in terms as exact and precise as possible, as is done with rights recorded in a forest settlement, and wherever possible, a definite term should be fixed for their enjoyment.§

* Government Resolution No. 4944, dated 8th July 1893.

† Government Resolution No. 8855, dated 3rd October 1910.

‡ Government Resolution No. 2232, dated 12th April 1888.

§ Government of India, Revenue and Agriculture, No. 652-F, dated 19th July 1888
vide Government Resolution No. 5016, dated 27th July 1888.

VI. Privileges.

A. GENERAL—*continued.*

194. With a view to guarding against privileges growing into rights it is desirable to secure the distinction between privileges and rights by fixing some definite period at the end of which the question should be again considered of the continuance of the privileges for a further period.*

A period should be fixed during which privileges are admissible.

195. The question of granting forest produce free, or on specially favourable terms, is a matter for consideration quite independently of the assessment of the Land Revenue, which should under no circumstances be enhanced at the expense of forest produce, the property of the State granted free. The principle to be kept in mind in dealing with the requirements of the people is that a fair price is to be charged for all forest produce, including that consumed in rāb cultivation, which may be supplied in excess of the quantity to which the people may be legally entitled by virtue of admitted rights.†

Special rates for produce to be sold to certain villagers.

196. Privileges as to forest produce and pasture and use of natural agents, not being at the time of concession or recognition by Government a part of the property or legally annexed as of right to the property of those to whom the concession or recognition may have been made, are to be deemed for all time indulgences or licenses revocable at pleasure by Government, which has no intention when permitting advantages to be enjoyed or benefits taken by means of forest privileges so allowed by it to abandon any part of its proprietary rights or any of the incidents thereof or benefits connected therewith.

Government abandon no part of their proprietary rights by granting privileges.

196a. It should be clearly understood that all forest privileges sanctioned by Government are liable at any time at the pleasure of Government to modification, curtailment or discontinuance, and that the exercise of such privileges is subject to revision whenever Government may consider such a course necessary.‡

Government may revise, curtail or discontinue privileges.

196b. Ordinarily such revision will be made at the revision of the Survey Settlement, unless cause appears to the contrary, but should Government deem a revision at any intermediate period or at decennial intervals to be rendered requisite by special circumstances, a revision will be effected at such period or interval. Where a revision of privileges previously accorded is held to be desirable either at a Revision Survey Settlement or at any time other than that of the revision survey settlement, a full report, showing why such revision is regarded

Revision will generally be made at the revision of the Survey Settlement.

* Government of India, Revenue and Agriculture, No. 509-F, dated 7th June 1889, vide Government Resolution No. 4619, dated 3rd July 1890.

† Government of India, Revenue and Agriculture, No. 411-F, dated 23rd May 1890, vide Government Resolution No. 4619, dated 3rd July 1890.

‡ Government Resolution No. 4619, dated 3rd July 1890.

VI. Privileges.

A. GENERAL—concluded.

as advisable and what changes are proposed, should be furnished to Government by the Local Land Revenue and Forest Department Officers through the Conservator of the Circle and the Commissioner of the Division.*

197. It is impossible to lay down a rule which shall be universally applicable ;
 Policy of Government but it must be understood that no one should be prohibited regarding privilege to draw from drawing water obtainable in a forest reserve in cases water in forest. where it is not procurable elsewhere, within a reasonable distance.†

198. As to the supply of wood, any favour as to price enjoyed by any class should not be abruptly cancelled without careful consideration and reference to Government. The Commissioners are authorized to relax the rates of fees for forest produce leviable under special privilege rules sanctioned by Government if in any case they should find the rates higher than the people can well afford to pay.‡

199. The proposal that the cutting and removal by hand of grass from closed forest areas should be permitted seems reasonable to Government on the grounds that the saplings might be choked by the rank growth of grass which, if set fire to, would destroy much valuable wood. It would be well if the rayats could be induced to take away such grass for ráb, fodder or provender. This is a matter which the Commissioners should settle according to their own discretion. Care should, however, be taken, in case such a concession is made, to secure the intervention of the Forest Officers if the people abuse the privilege of grass cutting so as to injure the young wood.§

B. Rab, Dalhi and Kumri Cultivation.

200. The cultivators must undoubtedly have “ ráb ” and it will be the duty of the Forest Officers to make arrangements accordingly. [See section 206 as to arrangements made in Thána.] If a sufficiency of “ ráb ” cannot be obtained from grass and leaves, etc., the cultivators must be allowed, under proper supervision, to cut it in a portion of the Government forests.

200a. The Forest Officers must take every precaution to guard against the abuse of this necessary concession. Access to the reserves should be permitted in rotation, one portion at a time being entirely closed. The question of the exact proportion to be closed should, Government think, be left for settlement by the Conservator in communication with the District Officers.||

* Government Resolution No. 4619, dated 3rd July 1890.

† Government Resolution No. 4345, dated 23rd November 1866.

‡ Government Resolutions No. 2952, dated 7th April 1884 ; and No. 2259, dated 28th March 1893.

§ Government Resolution No. 1631, dated 3rd March 1891.

|| Government Resolution No. 1482, dated 18th March 1879.

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—*continued.*

201. The practice of rāb cutting is incompatible with the treatment of forests for other purposes; and every effort must be made to

Where rāb cultivation exists, the neighbouring forests should be worked rationally for the purpose; but only in exceptional cases should rāb cutting be allowed in fresh forests.

reduce it to the narrowest limits by insisting that wherever rāb lands have been granted outside the limits of State Forests, they should be treated rationally for the purpose for which they were ceded, probably as coppice with a short rotation. The Government of India would suggest that fresh forest lands over which no rāb rights exist

should not, save under most exceptional circumstances, be made over to rāb cutting.*

202. It is most necessary, in the interests both of the public generally and of

Dalhi cultivation should be restricted as much as possible.

the inhabitants of the particular villages concerned, that the area of land in which Dalhi is permissible should be restricted within the narrowest possible limits, and that every effort should be made to induce the villagers to take

to permanent cultivation in lieu of having resort to a method of growing crops which is rapidly destroying all timber and vegetation and converting the hill sides into masses of bare and barren rock. A continuance of the system under which villagers take plots for Dalhi here, there and wherever they might please, would in a very short time longer render any Dalhi cultivation impracticable, as all vegetation would be irretrievably destroyed.†

203. It is essential that the dalhi mode of cultivation should only be carried

Dalhi cultivation should be properly controlled.

on under efficient supervision and control, and that the injury resulting from it to forests should as far as possible be minimised.‡

204. The plan of combining kumri cultivation, where it cannot be avoided

Kumri cultivation should be combined with the propagation of hirda, etc.

with the propagation of "hirda" or other useful trees meets with the approval of this Government and the Government of India.

Cultivators have no right to trees planted by them.

204a. Care should be taken that no reason is given to the kumri cutters to suppose that they have any right in the trees planted by them.§

205. The following rules are to be observed for regulating the assignment

Rules regulating kumri cultivation.

of land for kumri cultivation in districts in which that mode of cultivation is practised:—

(1) The period of fallow should never be less than ten years after cultivation for two.

* Government of India, Revenue and Agriculture, No. 816-F, dated 5th August 1889, *vide* Government Resolution No. 6731, dated 9th September 1889.

† Government Resolution No. 7344, dated 20th October 1882.

‡ Government Resolution No. 2782, dated 28th April 1882.

§ Government of India, Home Department, No. 360-F, dated 28th April 1882, *vide* Government Resolutions No. 3354, dated 22nd May 1882, and No. 5506, dated 15th August 1882.

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—*continued*.

(2) Personal inspection should annually be made both by the Collector and the Assistant Collector with a view to ascertaining that the prescribed limits of the kumri assignment in each case have not been exceeded.

(3) Kumri assignments should never be allowed within 100 yards of streams running as late as December, and on the upper third of the slopes of hills. This rule is to be attended to as far as possible, but it is not to be rigidly adhered to, as in many cases it will not be possible to obtain land for kumri without breaking through such an order. Government do not consider it advisable to leave the duty of inspection entirely in the hands of native subordinates or the officers of the Forest Department. Personal inspection by the Collector need not be insisted upon. It will suffice if the inspection is performed by his Assistants. An Assistant Collector in charge of a táluka can without any material difficulty or inconvenience manage to inspect every season the kumri assignment in a few of the comparatively limited number of villages within his charge in which kumri cultivation is carried on. Forest Officers, who are generally on the spot throughout the whole year, should co-operate with the Revenue officials in preventing any infringement of rules on the part of the cultivators. The assignments of land for kumri when once made must be regarded as final and at each kumri settlement it should be clearly and distinctly laid down that the settlement is final and that no further land can be granted.*

NOTE I.—For rules regulating the management of Protected Forests of the Peint Táluka of the Násik District, read Government Notification No. 2163 (b), dated 14th March 1905. *B. G. G.*, Pt. I, p. 330, also given in addenda of Standing Orders, Forests, Slip No. 1.

NOTE II.—For rules regulating the management of Protected Forests in certain villages of the Akola Táluka of the Ahmednagar District, read addenda of Standing Orders, Forests, Slips Nos. 2 and 3.

(a) **In Reserved and Protected Forests.**

206. (i) The inhabitants of forest villages may take free of charge from the open portion of the block in which their forest is included, and with the permission of the Divisional Forest Officer and on condition of aiding in the protection of forests, from the closed portion of the same, grass, reeds and leaves, other than temburni (*Diospyros melanoxylon*) and Apta (*Bauhinia racemosa*) leaves.

(ii) They may also under the same restrictions cut for wood-ash material

Korinda (*Cariosa diffusa*).
Babli.
Kalakuda (*Wrightia tinctoria*).
Kevni (*Helicteris isora*).
Bhur jambul.
Atharun.
Mastodi.
Ukshi (*Calycopteris floribunda*).
Kuda (*Wrightia*).
Gometi.
Torni.
Bhókar.
Kude.

the thirteen varieties of shrubs noted in the margin, and generally all brushwood of no value for any other purpose. But unless under special concession, the possible necessity for which is noted in the fourth clause, no trees of any description are to be lopped in Reserved Forests.

* Government Resolution No. 5319, dated 9th August 1882.

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—*continued*.(a) In Reserved and Protected Forests—*concluded*.

(iii) Inhabitants of forest villages in which auctioned coupes are situated and of the neighbouring villages which have contributed forest to that block of which the coupe is a part, are permitted to take and remove free of charge for firewood or wood-ash manure, all the twigs, branches and shoots or wood not exceeding six inches in girth at the butt end proceeding from the trees that have been felled or lopped, under supervision.

(iv) If the coupe of the year in any block in a settled taluka remains unsold and unexploited during that year, special arrangements such as allowing the people entitled to enter the coupe and cut the 6" material of the trees under supervision, will be made, in order that the supply of wood-ash material and firewood, etc., may be forthcoming.*

(b) In Protected Forests only.

In addition to the foregoing privileges inhabitants of villages in which there are Protected Forests may, in the unclosed portions of these forests, lop and remove the side branches, but not the leading shoot, of all except the 24 varieties noted below :—

Teak	...	<i>Tectona grandis</i> .
Blackwood	...	<i>Dalbergia latifolia</i> .
Bambu	...	<i>Bambusa</i> .
Hed	...	<i>Adnia cordifolia</i> .
Kalam	...	<i>Stephegyna parvifolia</i> .
Asana	...	<i>Bridelia retusa</i> .
Bibla	...	<i>Pterocarpus marsupium</i> .
Khair	...	<i>Acacia catechu</i> .
Shivan	...	<i>Gmelina arboria</i> .
Tivas	...	<i>Ougeinia dalbergioides</i> .
Koshimb	...	<i>Schleichera trijuga</i> .
Jambha	...	<i>Xylia dolabriformis</i> .
Kinjal	...	<i>Terminalia paniculata</i> .
Kinai	...	<i>Albizzia procera</i> .
Humbh	...	<i>Saccopetalum tomentosum</i> .
Babul	...	<i>Acacia arabica</i> .
Moho	...	<i>Bassia latifolia</i> .
Mango	...	<i>Mangifera indica</i> .
Tamarind	...	<i>Tamarindus indica</i> .
Jambhul	...	<i>Eugenia jambolana</i> .
Phanas	...	<i>Artocarpus integrifolia</i> .
Temburni	...	<i>Diospyros melanoxylon</i> .
Palas	...	<i>Butea frondosa</i> .
Apta	...	<i>Bauhinia racemosa</i> .

In exercise of the powers conferred by section 31 of the Indian Forest Act, 1878, as amended by the Forest Act, 1890, His Excellency the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to make under clause (a) of the said section the following rules to regulate the cutting of trees in the Protected Forests in the districts of Thána and Kolába, *viz.* :—

* Government Resolution No. 7107, dated 6th September 1892, para. 1, rule 22, Millett's Book of Orders in force in Thána.

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—*continued.*

(b) In Protected Forests only—*continued.*

(a) No person shall cut or lop any portion of any tree in any Protected Forest in the districts of Thána and Kolába other than such branches of unreserved trees as, within a foot of the stem, are less than 12 inches in girth or 4 inches in diameter :

Provided that in the case of shrubs, bushes and coppice shoots consisting of more stems than one, so long as one stem at least with all branches therefrom which within one foot from that stem do not exceed 12 inches in circumference or 4 inches in diameter, is left uncut, all other portions of any such shrub, bush or coppice shoot may be cut or lopped.

(b) Nothing in these rules shall authorize or be construed to authorize the cutting, lopping or felling of any tree reserved by any notification for the time being in force under section 29 of the said Act amended as aforesaid.*

In exercise of the power conferred by section 31, clause (a), of the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act, 1890 (V of 1890) and with the previous sanction of the Governor General in Council, the Governor in Council is pleased to make the following rules to regulate the cutting of trees in the Protected Forests in the districts of Thána and Kolába, namely :—

No person shall cut or lop any portion of any unreserved tree in any Protected Forest in the districts of Thána and Kolába otherwise than in accordance with the following rules :—

i.—No single stem shall in any case be cut.

ii.—When more than one stem springs from the same root or stump, the principal stem must always be left untouched, but the others may be cut.

iii.—No branch may be cut—

(a) from any tree that has not reached the height of 25 feet ; or

(b) from the topmost third of any tree ; or

(c) which, within a foot of the trunk, exceeds 12 inches in circumference.

iv.—Notwithstanding anything hereinbefore contained bushes and shrubs may be cut flush with the ground.

v.—Nothing in these rules shall authorise, or be construed to authorise the cutting, lopping or felling of any tree reserved by any notification for the time being in force under section 29 of the said Act amended as aforesaid.†

* Government Notification No. 7056, dated 7th September 1896.

† Government Notification No. 7156, dated 28th September 1897.

touched; only shoots that have taken two years or more to grow may be lopped off;

(b) in the case of injaili trees less than 10 feet high—

- (i) where several stems spring from the same root or stump the best of such stems with all shoots from it shall be left untouched till the stem is 10 feet high, but all other shoots from the root or stump or from the ground within a yard† of the untouched stem may be cut down to the ground;
- (ii) no stem growing singly may be cut or its side shoots lopped, unless it has an untouched stem growing within a yard† of it.

Provided that, with the previous permission of a revenue officer not lower in rank than a Mámlatdár, such cultivator may cut down for his own use—

- (a) any injaili tree not useful for táhál or fruit; and
- (b) any fruit tree and any leading shoot or best stem preserved under clause (a) (i) or (b) (i) of this rule when in the opinion of such officer such tree, shoot or stem is no longer useful for fruit or tahal.

6. In the protected forest of any village a cultivator of that village may, with the previous permission of a revenue officer not inferior in rank to an Assistant Collector or Deputy Collector, cut down for his own use any tree other than an injaili tree.

Explanation.—The Collector or Prant officer may, by written order delivered to the patel, authorize the cultivators of a village to cut down the after growth of teak, blackwood and tivas, subject to the condition that two leading shoots from each stump with all their branches are left permanently untouched and may at any time modify such order by withdrawing such authority either from particular cultivators or from all the cultivators or in respect of particular areas, and such order as so modified shall be a saving order under rule 6.

* This should be translated in Maráthi “ $1\frac{1}{2}$ purush”, a purush being the height to which an average man can reach standing.

† This should be translated in Maráthi “ $1\frac{1}{2}$ hát.”

Substitute the following for the rules in Government Notification No. 7156, dated 28th September 1897.

Bombay Castle, 23rd February 1909.

No. 1929.—In exercise of the powers conferred by section 31, clause (a), of the Indian Forest Act, 1878 (VII of 1878), and with the previous sanction of the Governor General in Council, the Governor in Council is pleased, in supersession of Government Notification in the Revenue Department No. 7156, dated the 28th September 1897, to make the following rules to regulate the cutting of trees in the protected forests in the districts of Thāna and Kolāba, namely :—

Rules.

1. In these rules—

(a) the word “tree” includes all ground shoots which grow into trees, such as Kuda, Kudi, Pethari and Chera, but does not include bushes; and the word “bush” shall be deemed to include all ground shoots which do not grow into trees such as Karand, Ukshi, Phāngli, Dhaiti and Nirgudi;

(b) the word “cultivator” includes—

(i) all persons who personally cultivate the soil, whether as tenants or in their own right;

(ii) all landlords resident in a village and holding land therein, whether they cultivate the soil personally or through tenants;

but does not include non-resident landlords.

2. No forest produce shall be removed from a plot assigned for cultivation in protected forest or from any trees in such plot except by the authorised cultivator of such plot.

3. No forest produce shall be removed from any protected forest in a village or from any trees in such protected forest except by a cultivator of that village.

4. Save as provided in rules 5 and 6 no person shall in any protected forest cut down, pollard, or lop any tree whatever.

Substitute the following for 206a on pages 95 and 96.

206a. In exercise of the powers conferred by section 31, clause (a), of the Indian Forest Act, 1878 (VII of 1878), and with the previous sanction of the Governor General in Council, the Governor in Council is pleased, in supersession of Government Notification in the Revenue Department, No. 2163 (b), dated the 14th March 1905, printed at pages 330 and 331 of the *Bombay Government Gazette*, Part I, of the 16th idem, to make the following rules to regulate the cutting of trees in the protected forests in the Peint Taluka of the Násik District, namely:—

Rules regulating the cutting of trees in the Protected Forests in the Peint Taluka of the Násik District.

Rules.

1. In these rules—

(a) the word “tree” includes all ground shoots which grow into trees, such as Kuda, Kudi, Pethari and Chera, but does not include bushes; and the word “bush” shall be deemed to include all ground shoots which do not grow into trees such as Karand, Ukshi, Phangli, Dhaiti and Nirgudi;

(b) the word “cultivator” includes—

(i) all persons who personally cultivate the soil, whether as tenants or in their own right;

(ii) all landlords, resident in a village and holding land therein, whether they cultivate the soil personally or through tenants;

but does not include non-resident landlords.

2. No forest produce shall be removed from a plot assigned for cultivation in any protected forest or from any trees in such plot except by the authorised cultivator of such plot.

3. No forest produce shall be removed from any protected forest in a village or from any trees in such protected forest except by a cultivator of that village.

4. Save as provided in rules 5 and 6 no person shall in any protected forest cut down, pollard or lop any tree whatever.

5. In the protected forest of any village a cultivator of that village may cut down, lop or pollard for his own use any injaili trees that are not fruit trees in accordance with the following rules but not otherwise:

(a) in the case of injaili trees 10 feet* high or higher—

(i) the leading shoot must be permanently preserved along with all shoots from the topmost third of the main stem;

(ii) shoots that have taken less than 2 years to grow may not be touched: only shoots that have taken 2 years or more to grow may be lopped off;

* This should be translated in Maráthi “1½ purush”, a purush being the height to which an average man can reach standing.

(b) in the case of injali trees less than 10 feet high—

- (i) where several stems spring from the same root or stump the best of such stems with all shoots from it shall be left untouched till the stem is 10 feet high, but all other shoots from the root or stump or from the ground within a yard* of the untouched stem may be cut down to the ground;
- (ii) no stem growing singly may be cut or its side shoots lopped, unless it has an untouched stem growing within a yard* of it.

Provided that, with the previous permission of a revenue officer not lower in rank than a Mámlatdár, such cultivator may cut down for his own use—

- (i) any injali tree not useful for tahál or fruit; and
- (ii) any fruit tree and any leading shoot or best stem preserved under clause (a) (i) or (b) (i) of this rule when in the opinion of such officer such tree, shoot or stem is no longer useful for fruit or tahál.

6. In the protected forest of any village a cultivator of that village may, with the previous permission of a revenue officer not inferior in rank to an Assistant or Deputy Collector, cut down for his own use any tree other than an injali tree.

Explanation.—The Collector or Pránt Officer may, by written order delivered to the patel, authorise the cultivators of a village to cut down the after-growth of teak, blackwood, and tivas, subject to the condition that two leading shoots from each stump with all their branches are left permanently untouched and may at any time modify such order by withdrawing such authority either from particular cultivators or from all the cultivators or in respect of particular areas, and such order as so modified shall be a saving order under rule 6.†

* This should be translated into Maráthi “ १½ hát.”

† Notification No. 8783, dated 19th September 1911, page 1704 of *Bombay Government Gazette*, 1911.

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—*continued.*

(b) In Protected Forests only—*continued.*

If the above restrictions are not attended to and the forests are found to be injured by indiscriminate lopping, they will be closed to all lopping during such a period as may be deemed necessary by the Collector and the Divisional Forest Officer in consultation to enable the trees to recover the injury received.

The privileges both as regards Reserved and Protected Forests have been extended to non-resident owners of land in all forest villages. Such holders may take from the forest of the block in which the village containing the land they own is situated, material for ash-material to such of their land as is situated in that village, but not from any land they may hold in any other village. The privilege thus accorded to the inhabitants of forest villages and of non-resident holders of land in forest villages are not to be shared by the inhabitants of non-forest villages.*

206a. In exercise of the powers conferred by section 31 of the Indian Forest Act, 1878 (VII of 1878), and with the previous sanction of the Governor General in Council, the Governor in Council is pleased to make the following rules for the Protected Forests in the Peint Táluka of the Násik District, namely :—

Rules regulating the management of Protected Forests in the Peint Táluka of the Násik District.

I.—No person shall cut or lop any portion of any unreserved tree within any Protected Forest otherwise than in accordance with the following rules :—

- (i) No stem growing singly shall in any case be cut.
- (ii) Where more than one stem springs from the same root or stump, the principal stem shall always be left untouched, but the others may be cut.
- (iii) No branch may be cut
 - (a) from any tree less than 18 inches in girth at breast height ;
 - (b) from the topmost third of any tree ; or
 - (c) which is over 6 inches in girth at the point of cutting.

II.—Notwithstanding anything hereinbefore contained, bushes and shrubs, such as Nirgud, Dhaiti, Karwand and the like, may be cut flush with the ground.

III.—Nothing in these rules shall be construed to authorize the cutting, lopping or felling of any tree reserved by any notification for the time being in force under section 29 of the said Act.

IV.—The ráb numbers shall not be cultivated.

V.—In the ráb lands of their own villages, villagers may

- (a) graze cattle ;
- (b) gather dead wood, cut grass and collect edible fruits and roots ; and
- (c) remove loose stones not obtained by quarrying ; free of charge, unless specially and by notice prohibited by the Collector from so doing.

* Government Resolutions No. 2831, dated 8th April 1885 ; and No. 11936, dated 23rd November 1908.

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—*continued.*

(b) In Protected Forests only—*continued.*

VI.—No fire shall be lighted in, or carried into, the ráb lands.

VII.—Where ráb is burned for seed-beds, the fire shall be not less than twenty cubits from the boundary of the ráb land, and no person shall burn ráb in any field unless at least one adult person remains by the fire until it is extinguished.*

206b. With reference to Government Notification No. 2792, dated 6th April 1885, published at pages 485 and 486 of the *Bombay Government Gazette* of the 9th idem, Part I, the following rules, made by the Governor in Council under section 31 of the Indian Forest Act, 1878, to regulate the management of the Protected Forest in the marginally noted villages of the Akola Táluka of the District of Ahmednagar, are published, with the previous sanction of the Governor

Ghátghar.
Uddavné.
Pánjre.
Shinganwádi.
Kumshet.
Ambit.
Pachnai.
Loháli Kotul.

General in Council, for general information.

Similarly—

With reference to Government Notification No. 4352A, dated 18th June 1886, published at pages 528-530 of the *Bombay Government Gazette* of the 24th idem, Part I, the following rules made by the Governor in Council under section 31 of the Indian Forest Act, 1878, to regulate the management of the Protected Forest in the villages of Sámrad in the Akola Táluka of the District of Ahmednagar, are published, with the previous sanction of the Governor General in Council, for general information :—

Rules regulating the management of Protected Forest of the Akola Táluka of the Ahmednagar District.

I. Lands of either of the two following descriptions may be cleared or broken up for cultivation in the said forest subject to the conditions, if any, respectively applicable thereto, *viz.* :—

(a) land the right to cultivate which has been recorded in an enquiry under section 28 of the Forest Act, or

(b) land let for cultivation under a lease which is at the time in force and has been granted under these rules.

2. The unoccupied land in the said forest suitable for cultivation having been divided off by the Survey Department, under the orders of Government, into fields which bear distinctive numbers and having been measured and assessed by the said Department at a moderate rent, any of the said fields (hereinafter called "numbers") may be let at the rent so assessed to any person who is, and has been for not less than five years previously, a resident of the village in which the number is situate, subject to the conditions contained in these rules.

* Notification No. 2163 (b), dated 14th March 1905, page 330 of *Bombay Government Gazette* of 1905.

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—continued.**(b) In Protected Forests only—continued.**

3. The lease of a number may be sold by public auction or granted, at the discretion of the Divisional Forest Officer, with or without payment of a premium.

4. Every lease granted under these rules shall be in the form A, hereto annexed and shall be executed by the Divisional Forest Officer, if he is competent under the rules in force in this behalf to execute such an instrument, or otherwise by the Conservator. No such lease shall be granted until the intending lessee has executed a counterpart agreement in the form B, hereto annexed, bearing an endorsement of the tenor prescribed in the said form signed by the village officers.

5. In the first year in which these rules are in force leases shall be granted for a term of thirty years. Leases granted after the said first year shall be for terms which will expire simultaneously with the terms of the first year's leases.

6. The rent due annually in respect of lands leased under these rules shall be payable in two equal instalments on the 10th December and 10th January, respectively.

7. On the expiry of the term of any lease granted under these rules, the lessee shall be entitled to a renewed lease for such term and subject to such conditions and the payment of such rent as Government shall think fit to prescribe.

8. Every lease granted or renewed under these rules may at any time be cancelled by the Divisional Forest Officer or the Conservator of Forests—

(a) if the lessee or any co-sharer of the land held by the lessee is convicted of any offence under section 32 of the Forest Act and such conviction is not subsequently reversed or quashed; or

(b) if the land included in the lease or any portion of it is subjected, without the previous sanction of the Divisional Forest Officer or of the Conservator of Forests, to any mortgage charge, sub-lease or alienation; or

(c) if the land included in the lease or any portion of it is subjected to *dalhi* cultivation; or

(d) if any instalment of rent due in respect of the land is not paid, or recovered under section 81 of the Forest Act, before the close of the revenue year in which it is payable; or

(e) if the lessee ceases to be a resident of the village in which the land is situate.

When a lease is cancelled under this rule, it shall be deemed for the purposes of Rule 1 to cease to be in force from such date as shall be fixed in this behalf by the officer cancelling the same.

9. An appeal shall lie from any order made by the Divisional Forest Officer under the last preceding rule to the Conservator of Forests. The order of the Conservator of Forests shall be final.

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—*continued.*

(b) In Protected Forests only—*continued.*

10. No lease granted under these rules shall be deemed to confer upon the lessee any right in or over the trees or other forest produce of the land included in such lease; but subject to a reservation of the right of Government at any time to reconsider and amend or cancel such concession and to the provision of Rule 11, the Governor in Council directs that the lessee of any land of which a lease is granted or renewed under these rules shall be permitted upon or from the said land—

(a) to lop trees, not being trees which are reserved under section 29 of the Forest Act, for the purpose of obtaining *radb* for manure;

(b) with the written authority of the Divisional Forest Officer to cut and remove trees, not being trees reserved, as aforesaid and not exceeding 15 inches in circumference at the base, which, in the opinion of the said officer, impede cultivation;

(c) to pasture and to cut and remove grass for his own cattle, sheep and goats;

(d) to gather and remove edible fruits and roots;

(e) to gather and remove dead wood for fuel;

(f) to quarry or gather and remove stones for his own use for any agricultural or domestic purpose.

11. Lessees exercising the privilege of lopping trees for obtaining *radb* conceded by clause (a) of the last preceding rule, shall leave uncut a main leading shoot (*shenda*) of each tree which they so lop.

12. Any person permanently residing in any of the said villages may, in any unoccupied number of the Protected Forest in the village in which he resides, pasture, or cut and remove grass for his own cattle, sheep and goats without license or payment of any fee.

The Governor in Council reserves the right at any time to reconsider and amend or cancel this concession.

13. Except as provided in Rule 10 and in the last preceding rule, no cattle, sheep or goats may be pastured and no grass may be cut in the said Protected Forest without written authority from the Divisional Forest Officer.

FORM A.

(See Rule 4.)

Form of Lease.

To A. B., resident of

I, C. D. (here enter the executant's official designation), by order of the Governor of Bombay in Council, hereby grant on behalf of the Secretary of State

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—continued.**(b) In Protected Forests only—continued.**

for India in Council, to you *A. B.* a lease for _____ years, commencing from the
 day of _____ 19____, of the field No. _____ in the protected
 forest of the village of _____ in the Akola Táluka of the Ahmed-
 nagar District on payment of an annual rent therefor of Rs.

This lease is granted subject to the provisions of the Indian Forest Act, 1878,
 and of the rules from time to time in force in the said Protected Forest framed under
 section 31 of the said Act.

Dated the _____ day of _____ 19____.

(Signed)

C. D.

FORM B.

(See Rule 4.)

Form of Counterpart Agreement.

To the Secretary of State for India in Council.

I, *A. B.*, inhabitant of _____ in the Akola Táluka of the Ahmednagar
 District, hereby accept the lease of the field No. _____ in the Protected Forest of
 the above village for the term of _____ years, commencing on the _____ day of
 19____, subject to the provisions of the Indian Forest Act, 1878, and of the rules from
 time to time in force in the said Protected Forest framed under section 31 of the
 said Act, and I undertake to pay annually Rs. _____ on account of the rent of the
 said No. _____ in the instalments and on the dates prescribed in this behalf in the
 rules aforesaid.

Dated the _____ day of _____ 19____.

Written by

(Signed)

A. B.

Signed by *A. B.* in the
 presence of

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—*continued.*

(b) In Protected Forests only—*concluded.*

Endorsement.

We, the undersigned, declare that, to the best of our knowledge and from the best information we have been able after careful inquiry to obtain, the person who has executed this agreement is *A. B.*, resident of the above-named village of _____, and that he has been residing in the said village for a period exceeding five years and is a fit person to be accepted as responsible for the punctual payment of the rent of the number which has been leased to him.

(Signed) *E. F.*, Patel, } of the above village of *
(„) *G. H.*, Accountant, }

206c. In exercise of the power conferred by section 29 of the Indian Forest Act, 1878, the Governor in Council is pleased to prohibit in the Protected Forest in the villages marginally noted in the Akola Taluka of the Ahmednagar District, from the 1st day of February 1886,—

Ghátghar.	Kumshet.
Uddavné.	Ambit.
Pánjré.	Pachnai.
Shinganwádi.	Loháli Kotul.

(a) the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in such forest except in accordance with the rules prescribed in that behalf under section 31 of the said Act in Government Notification No. 185, dated 12th instant ;

Rules regulating the cultivation in Protected Forest in certain villages of the Akola Taluka of the Ahmednagar District.

(b) the quarrying of stone, the burning of lime or charcoal and the collection or the subjection to any manufacturing process or the removal of any forest produce, except in accordance with the rules aforesaid and with the proviso to this notification :

Provided that, until further orders, any person permanently residing in any of the said villages may in any unoccupied number in the Protected Forest of the village in which he resides—

(c) gather and remove edible fruits and roots ;

(d) gather and remove dead-wood for fuel ;

(e) quarry or gather and remove stones for his own use for any agricultural or domestic purpose.

And in further exercise of the power conferred by the said section, the Governor in Council is pleased to declare all mango, hirda and jambul trees and bamboos in the Protected Forest in the said villages to be reserved from the said date.†

* Notification No. 185, dated 12th January 1886, page 29 of *Bombay Government Gazette* of 1886, and Notification No. 1915, dated 28th March 1887, page 270 of *Bombay Government Gazette* of 1887.

† Notification No. 186, dated 12th January 1886, page 31 of *Bombay Government Gazette* of 1886.

VI. Privileges.

B. RAB, DALHI AND KUMRI CULTIVATION—*concluded.*

(a) Special Privileges for Bhiwndi, Kalyan and Bassein.

206d. In addition to the foregoing privileges the following additional concessions have been granted to the inhabitants of Bhiwndi, Kalyan and Bassein Talukas, respectively, owing to the pressure of population and the agricultural needs :—

Bhiwndi.

The inhabitants of forest villages may lop and remove for wood-ash material the side branches of all trees but those specified in the margin. The branches of saplings and young trees may also, if necessary, be lopped, but in no case may the leading shoot be injured nor any branches large enough to serve as firewood, &c., over 3 inches in circumference at the butt, be cut under cover of branch-loppings for wood-ash manure.*

Kalyan.

Teak	... <i>Tectona grandis</i> .	In Kalyan the inhabitants of
Blackwood	... <i>Dalbergia latifolia</i> .	forest villages may cut for ash
Tiwas	... <i>Ougeinia dalbergioides</i> .	manure the side branches ; but
Mango	... <i>Mangifera Indica</i> .	not the leading shoots of all trees
Khair	... <i>Acacia catechu</i> .	growing in Protected Forests
Kalam	... <i>Stephegyne parvifolia</i> .	except those marginally noted.†
Bibla	... <i>Pterocarpus marsupium</i> .	
Asana	... <i>Bridelia retusa</i> .	
Koshimb	... <i>Schleichera trijuga</i> .	
Hed	... <i>Adina cordifolia</i> .	

Bassein.

In Bassein in consequence of the small area of available bush-land the inhabitants of the 13 villages noted in the margin are permitted to cut the branches not being the leading shoots, or above 3 inches in girth of all trees other than teak, blackwood, sandalwood and fruit trees, in one-third of the Reserved Forest area of each village or part of a village.

The limits within which this privilege may be exercised will be fixed from time to time by the Divisional Forest Officer. The inhabitants of forest villages may also in Protected Forest lop, for material for ash manure, the side branches, not exceeding 3 inches in girth, of all trees except teak, blackwood, sandalwood and fruit trees subject to the conditions that the leading shoots shall be kept intact.‡

* Government Resolution No. 5251, dated 1st July 1884.

† Government Resolution No. 3890, dated 14th May 1885.

‡ Government Resolution No. 5919, dated 22nd July 1885.

NOTE.—A similar system to regulate the privilege of collecting wood-ash material has been introduced into Kolaba District as a trial, *vide* Government Resolution No. 6024, dated 2nd September 1903.

VI. Privileges.

C. Grazing.

207. * The Governor in Council has had under examination the general question of the stringency or otherwise of the regulations for the administration of the forests in this Presidency, especially in their relation to the provision of grazing for cattle. After a careful consideration of the subject he finds no reason to believe that there is anything in the forest administration of the Province which can form the ground of any legitimate grievance, or which calls for special investigation, except the numerous impoundings and prosecutions, largely for cattle trespass, in the Central Circle, as compared with the other Circles. The Forest regulations have from time to time been revised, and the claims of agriculture and the requirements of cultivators have been carefully considered in framing them. The present State regulation of valuable forests grants to the residents of forest villages and others privileges greater than they enjoyed in former times—a fact to which attention was drawn in the orders which were published in Press Note No. 12058, dated 26th November 1908, regarding the conservation of trees in occupied lands in Kolába and elsewhere. The only question on which further orders appear at present to be necessary is that relating to the grazing rules.

There are in force in the Presidency proper two systems under which grazing fees are levied. The orders which are in operation in the Thána and Panch Maháls Districts prescribe a varying scale of fees for each class of the cultivators' cattle belonging to villages

	Thána District.	Panch Maháls District.	
		Western Maháls.	Eastern Maháls.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
For every buffalo ...	0 8 0	0 3 0	0 2 0
For every cow, ox, horse, mule or donkey.	0 4 0	0 2 0	0 1 0
For every sheep ...	0 1 0	0 1 0	0 1 0
For every goat ...	0 2 0	0 2 0	0 2 0
Sucking animals ...	Free.	Free.	Free.

in the latter district at the rates specified in the margin.†

	Rs. a. p.
†For every buffalo ...	1 0 0
For every cow, ox, horse, mule or donkey ...	0 8 0
For every sheep ...	0 2 0
For every goat ...	0 4 0

which have contributed no *gairan* to the forests, while resident professional graziers and others in the former district are charged double the rate of fees prescribed for village cultivators' cattle and It is left to the Forest officers to determine the rate of fees to be levied on outside cattle, subject to the condition that the rate is not to be lower than that for resident professional graziers and others. The other system which originally applied to the Kanára District and was subsequently extended to the other forest districts in the Presidency proper (exclusive of the Panch Maháls and Thána) prescribes

* Government Resolution No. 8952, dated 15th September 1909.

VI. Privileges.

C. GRAZING—continued.

a uniform fee of two annas per head for all animals of agriculturists of forest villages, four annas per head for all animals of agriculturists of non-forest villages and one rupee per head for all cattle of professional graziers. In the forest villages of the Belgaum, Bijápur and Dhárwár Districts, however, the fee for animals of agriculturists has been raised from two to four annas on the ground that the former rate caused a very serious falling off in grazing revenue. In the province of Sind maximum and minimum rates have been prescribed for the different classes of cattle, and it is left to the Deputy Conservator of Forests in charge of the circle to fix the actual rate to be levied within the prescribed limits, in consultation with the Collector or the Deputy Commissioner. Free grazing is allowed in certain tracts, namely, in the Panch Maháls and Thana in villages which have contributed *gairan* to the formation of a forest block; in Khándesh and Násik by privilege under settlement and in Sind by right and by privilege. The grazing regulations in force in the Thána and Panch Maháls Districts and in Sind appear to be working with sufficient smoothness, and the Governor in Council does not consider that any change is needed in them. He is also of opinion that the rights and privileges of free grazing where they at present exist should be continued, but should not be extended. As regards the districts where the Kanára fee system is in force and where there have been complaints about the working of the regulations and representations as to the necessity for the grant of special facilities, the Governor in Council has considered the following suggestions with a view to redressing any possible grievances that may exist :—

- (1) the total abolition of grazing fees ;
- (2) the reduction of the grazing fee to a uniform rate of two annas ;
- (3) the remission of grazing fees in respect of forest pasture and revenue waste lands only ;
- (4) the material reduction of assessment in respect of land growing fodder for cattle.

To take the last suggestion first, it is to be noted that in parts of Gujarát where the communal grazing area is little or none, assessed occupied numbers are kept under grass as a more paying crop than any other which the lands could grow. In those parts of Thána and Kolába also which are sufficiently near to Bombay assessed occupied land (*warkas*) is kept under grass, as this is found to be a more paying use to make of the land than its original use of supplying *ráb* materials and growing coarse millets. In neither of these instances is any reduction of assessment granted nor would it be proper to contemplate any such concession, seeing that the use made of the land is more remunerative than that in respect of which it is assessed. The grass in both cases is grown for use as fodder, either by the grower himself as in Gujarát, or by purchasers from the grower, as in Thána and Kolába, and also in Gujarát. It follows from these facts that where there is a sufficient effective demand for fodder, it pays occupants

VI. Privileges.

C. GRAZING—*continued.*

to devote their assessed land to the growth of grass for fodder without any reduction of assessment. In the Central Division, the Southern Marátha Country and the parts of Kolába out of reach of Bombay, occupied assessed lands are not, so far as is known, devoted generally to the growth of grass for fodder. Occupied assessed lands in the tracts named are used to grow fodder to a limited extent; the straw of several staple crops, such as jowari, is also very valuable as fodder; but this is quite a different matter from growing grass for fodder as the sole crop taken off the land. These facts point to the absence of a sufficient and effective demand for grass grown on occupied assessed lands, and consequently remission of assessment is not likely to prove to be of any use in encouraging the reservation of occupied lands for grazing or for growing grass for fodder, even if satisfactory arrangements could be made to overcome the considerable administrative difficulties which the grant of such remission would involve.

With reference to the first three suggestions, the revenue collected from grazing fees is an item which it is impossible entirely to disregard. The receipts for the year 1907-08 were Rs. 4,79,570. It is clear that the total abolition of grazing fees would involve the sacrifice of so considerable an amount of revenue that it would be justifiable only if the need were very pressing and it were obvious that the resulting encouragement to cattle owners would be proportionately great. The remission of fees in respect of forest pasture and revenue waste only, would entail a loss of revenue which judging by the figures of revenue collected in 1907-08, would amount to one and a half lakhs of rupees a year. The total or partial abolition of fees would render the regulation of grazing a matter of greater difficulty than it is at present, and there is good reason to believe that it is not the payment of a fee but the amount of it when it exceeds two annas in the case of cattle of agriculturists which is felt as a hardship. The fee at present levied exceeds two annas in the forest villages of a few districts only and, beyond the sacrifice of revenue involved, there is no objection to its being fixed at that amount in all districts. The Governor in Council is accordingly pleased to direct that in all districts where the Kánara system is now in force the grazing fee to be levied shall in future be at the all-round rate of two annas a head for horned cattle and one anna a head for goats and sheep. This rate is unquestionably an exceedingly low one for the privilege granted and in no way adequately represents the price of the grass. To abolish the fee altogether would be to deprive the executive of a most useful means of punishing those who obstruct, and rewarding those who assist, forest administration. The raising and lowering of the fees is already in use as an incentive towards fire protection, and it is highly desirable that it should be adopted as a means for protecting forest proper from cattle trespass. The Governor in Council is therefore pleased to direct that, where the trespassing of village cattle in forest is persistent, the fees should be doubled, and doubled again if one doubling has no effect, and should be halved if the trespassing materially decreases, and remitted altogether if it ceases, provided that the protection of the forest is in other

Uniform fee to be charged where Kánara system is in force.

VI. Privileges.

C. GRAZING—continued.

respects satisfactory. The reduction or remission of fees should be for a prescribed number of years only, not for indefinite periods; and on the expiration of the term of reduction or remission, the standard fees should be levied, as in villages in which no enhancement or reduction or remission has been necessary. If the trespassing recommences to a considerable extent, enhanced fees should be again imposed. There is reason to hope that people will learn to respect the forest proper if they have to pay for trespassing and are rewarded for abstaining from trespass.

The Governor in Council does not think that there is any reason for reducing the rate of fees now being levied from professional graziers. A professional grazier is charged higher fees than an agriculturist because he is not an agriculturist, not because he is well off and can afford it. The agriculturist pays land revenue on the land which he cultivates, and it is proper to charge him only a nominal fee for the valuable privilege of grazing on Government land in order that he may get at a low price the grazing necessary for the cattle which are required for cultivating the land on which he pays land revenue. The professional grazier does not pay land revenue and his cattle are not employed by him for cultivating land; they are kept "for profit"—a term which is well understood as meaning not for the profits to be obtained from agriculture but for the profits to be got from the sale of the produce of the cattle or of the animals themselves; the milk of cows, cow-buffaloes and she-goats, the wool of sheep and skins of goats, the hiring out principally of sheep for the manure which they produce, and the sale of beasts for work or for food. Since the professional grazier's herds and flocks are not kept for cultivation and since he himself pays no revenue to Government other than the fee for the valuable privilege of grazing his beasts on Government land, it is proper to charge him a fee which may be taken to be a fair price for that privilege. The fact that this fee is in most cases eight times the fee charged to an agriculturist is due to the fact that while the professional grazier is charged a fair price for the grazing since he pays no other revenue, the agriculturist who does pay other revenue is let off with a nominal fee. It is not the case that cattle-keeping by professional graziers is penalised by charging a fee of a rupee per head for their cattle: the fact is that cattle-keeping by agriculturists is encouraged by remission of seven-eighths of the fair price of grazing in their case. A great deal of trouble is caused by the professional graziers allowing their cattle to trespass in forests, and the Governor in Council is of opinion that the higher rate charged to them should be maintained. Government will however be prepared to consider the reduction of the fee in any given case in which it can be shown that the fee is not a fair price for the privilege of grazing cattle kept for profit. They have, in fact, already sanctioned such a reduction in the case of certain *dhangars* and *gavlis* in the Sâtára District.

In order, however, to obviate the difficulty which is experienced in finding a satisfactory definition of the term "professional graziers" the Governor in Council is pleased to direct that the general rates of two annas and one anna now

Definition of non-village cattle.

VI. Privileges.

C. GRAZING—*continued.*

prescribed shall be levied in respect of all "village cattle" and that the higher rates at present being levied from professional graziers shall be levied in respect of "non-village cattle". The former term will include all cattle owned by persons resident in the village and kept in the village whether for agricultural purposes or for profit, the latter will include all the animals of those persons who move about from village to village grazing their flocks and herds in all the grazing land they come to. The difficulty of deciding who is and who is not a professional grazier will thus disappear and the sole test will be whether the animal is owned and kept in the village or not.

There appears to be considerable uncertainty amongst District Officers as to the extent of grazing to which the right is acquired by payment of the prescribed fee, and it seems desirable that this doubt should be removed. The effect of the existing orders is as shown below :—

Extent of grazing acquired
by payment of fee.

(1) In villages in which there is no forest at all, the grazing on the revenue waste is ordinarily sold by auction.

(2) In villages in which there is forest of any kind, the grazing on the revenue waste is not sold by auction.

(3) The payment of the prescribed fee entitles the owner of village cattle, whether he is an inhabitant of a forest village or not, to graze his cattle in—

(a) pasture reserves throughout the district ;

[NOTE.—Fresh fees must be paid for grazing in another district.]

(b) all revenue waste within the district which is not specially reserved for grass cutting, or in which the grazing has not been granted free or on payment of a lump sum to a particular village ;

[NOTE.—Fresh fees must be paid for grazing in another district.]

(c) all open forest proper and fuel and fodder reserves situated within the round of which his village forms part.

[NOTE.—Fresh fees must be paid for grazing in another round]

(4) Owners of non-village cattle, *i. e.*, persons who are commonly known as professional graziers, who wander about with their flocks and herds, shall be entitled on payment of the fees prescribed for them to graze their cattle in—

(a) all pasture reserves ;

(b) all revenue waste which is not specially reserved for grass cutting, or in which the grazing has not been granted free or on payment of a lump sum to a particular village ;

(c) all open forest proper and fuel and fodder reserves ;

Insert the following as a sub-paragraph above the paragraph "*Grazing on revenue wastes not to be auctioned.*" on page 107:—

The fees of Re. 1 per head prescribed to be charged for the grazing of cattle belonging to professional graziers is reduced to 8 annas per head for goats and 4 annas per head for sheep the property of Dhangars or Thilaries when brought for grazing in forest and revenue lands in charge of the Revenue Department in East Khándesh.*

* Government Resolution No. 634, dated 20th January 1912, Revenue Department.

VI. Privileges.

C. GRAZING—*continued*.

within the limits of the Forest Circle in which they have paid fees : provided that such persons may be prohibited from grazing their cattle in such pasture reserves or in such rounds as the Collector deems fit to close against them.

For the purposes of these rules the term 'round' should be understood to include not only forest villages but also villages, the cattle of which are dependent on the forest villages for grazing." *

The orders issued in Government Resolution No. 1668 of 8th March 1898 were intended to put a stop to the auctioning of the grazing in revenue waste, but do not seem to have been generally observed. Such auctioning ordinarily results in one or two men monopolizing all the non-forest grazing area and levying from the villagers far higher fees than Government are content to take. The practice should now be everywhere discontinued. This order does not apply to the sale by auction of grass for cutting, in the case of *kurans* and similar areas of special value. Where the amount of revenue waste other than such special areas is insignificant, the grazing on it may be granted free, as, it is understood, is already the practice in some districts ; where the quantity is appreciable, and no right to the grazing on it has been acquired by the payment of the general grazing fees, the grazing on the revenue waste should be sold to the village community on payment of a lump sum calculated at the rate of one anna per acre.

In applying to the orders regarding the areas in which the 'right to graze' is obtained by payment of the general fees, the orders contained in paragraph 6 of this Resolution regarding the rate of fee to be charged, "village cattle" should be understood to include the cattle of a village which by custom are allowed to graze in the forest pasture of a village or in the revenue waste, not disposed of under paragraph 8, of a village, neighbouring to their own village, and "non-village cattle" should be held to apply only to the cattle of Dhangars and others who by custom pass on from village to village in search of grazing and do not return to their own homes at night.

The enhancement and reduction of the grazing fee to be imposed or granted on account of much or little trespass in forest proper in accordance with the orders in paragraph 4 above may present some difficulty in the case of non-village cattle because of their nomadic habits. It should, however, be found practicable to make the doubling or quadrupling, or the halving or remitting, of the fee apply equally to all cattle, whether village or non-village, admitted to graze in any area in respect to which such alteration of the fees has been ordered.

* Government Resolution No. 9369, dated 15th October 1910.

VI. Privileges.

C. GRAZING—*continued.*

Except in cases where specific orders to the contrary have been issued, sheep and goats, whether village or non-village, should be excluded altogether from forest proper.

Exclusion of sheep and goats from forests proper.

Another difficulty which, it appears, arises in forest administration is the collection and crediting of grazing fees and the payment of village officers' remuneration for collecting them. It is not, in the opinion of Government, possible to make the forest officers collect fees for grazing on lands which are not in their charge. Village officers must be allowed remuneration on fees which they collect before the prescribed date and not on those which they do not so collect. The present orders on these points should be maintained. It should be understood that where the area in which the cattle of a village are admitted to graze is wholly in charge of the Forest Department, the grazing fees of that village should be collected by the forest officers; otherwise the collection of grazing fees rests with the village officers, or if a panchayat is constituted under the next following paragraph, with the panchayat.

Fees to be collected by forest officers.

Further measures should be taken with the object of interesting the people in the care of grazing grounds both within and outside forest proper. Grazing in forest in charge of the Forest Department must be controlled by forest officers; but it is manifestly desirable that wherever possible they should secure the co-operation of the people in exercising that control. Grazing in areas outside forest proper is in charge of the Revenue Department, which for want of a suitable agency through which to exercise control, has hitherto exercised in fact practically no control at all. In order to supply such an agency the appointment of village panchayats wherever practicable would be a measure of great expediency. Recourse to this measure, for another purpose, has been approved in paragraph 2 of Government Resolution No. 4003, dated 26th April 1909, passed on the Forest Administration Reports for the year 1907-08, which was published for general information. Although the panchayats there mentioned may not have any legal status, there is no reason for anticipating that they will be ineffective on that account. In section 27 of the Indian Forest Act Government have the means of giving to such bodies a legal constitution in connection with the management of reserved forests which are in charge of the Revenue Department. It is highly desirable that in any village in which the Collector is satisfied that the material for constituting a village panchayat exists, and in which there is an area of forest classed as pasture not so small as to be unsuitable for special arrangements being made for its management, that area should be assigned to the village community under section 27, Indian Forest Act, and constituted a "village forest". For such a forest the rules to be made by the Local Government should prescribe the forming of a village panchayat to manage the forest on behalf of the community to which it is assigned and the entrusting to the panchayat of the duty of regulating the use of the pasture especially by sheep and goats, the periodical closing of portions of the pasture area,

Control of grazing.

Insert the following under 207 on page 109:—

207A (a) Rules for regulating the management of the village forests by Pancháyats in the West Khándesh District.

1. To facilitate the management of the Forests, the forest area should be divided into three blocks (western, central and eastern). The western part should be designated as "A" block, the central part as "B" and the eastern part as "C" block.

(a) These three blocks will be entirely closed to sheep and goats.

(b) The block () will be open to grazing for the whole year and block () from 1st October till the end of May; and the block () will be open to grazing only for the months of April and May. This latter part () is specially reserved as a fodder reserve and grass will be allowed to be cut therein from October till the end of March.

(c) In the first year block () will be open for grazing for the whole year and block () from October till the end of May. In the second year block () will be open for grazing for the whole year and block () from October till the end of May, and so on in rotation.

2. Grazing fees will be charged at the rate of 2 annas per head of cattle in the case of village cattle and Re. 1 in the case of professional graziers.

(a) Grass will be allowed to be taken from block () at the following rate:—

Rs. a. p.

o o 6 per head-load.

o 4 o per cart-load.

Fuel.

3. Firewood will be allowed to be taken from the block () for the first three years, from block () for the next three years, and so on in rotation. The firewood to be removed should be for home consumption only.

4. The dead and dying trees marked for cutting by the Panch should be cut and no other. The stumps should be cut flush with the ground.

5. The following rates should be charged for fuel:—

(1) Eight annas per cart-load of fuel of inferior kinds such as salai, henkal, bor, amoni, etc.

(2) Re. 1 per cart-load of fuel of superior kinds such as khair, sadana, dhāvada, etc., and the rate per head-load of fuel should be one-sixteenth of the rate paid for a cart-load of fuel.

6. Breach of any of the above rules will be a cause for declaring the ancháyat as unfit for the work.*

207A (b) Rules for the guidance of village pancháyats established for the regulation of grazing grounds.

Constitution.

Rules regarding the management of village forests by pancháyats in the Koregaon Táluka of the Sátára District.

1. The pancháyat shall ordinarily consist of five members, but regard being had to the size of the village, this number may be increased.
2. The Revenue pátil and the kulkarni shall be members, the remaining members to be nominated from amongst the villagers by the Mámlatdár subject to the sanction of the Sub-Divisional Officer.

Meetings.

3. The pancháyat shall meet for deliberation in the *chávdi* once in the month of June and again in October and such other times as are deemed necessary.

4. The members of the Panch shall elect a Śir-Panch to preside at their meetings.

5. The kulkarni should keep a memorandum of the deliberations and resolutions of this body and forward a copy thereof to the Mámlatdár, who shall submit it with such remarks as he deems fit to the Sub-Divisional Officer.

6. The pancháyat shall have control of all the grazing area comprised in the heads "Forest Pasture" and "Revenue Waste" within the limits of the village and such other lands as may from time to time be handed over to their control by Government.

7. The kulkarni under the supervision of the pancháyat should prepare each year by the first day of June a list of all the cattle; in the village this list shall be an *Isamwár* list and not a (*gharwár*) list and in it those persons who, not being agriculturists, own cattle for other purposes than agriculture, shall be especially distinguished.

8. Soon after the commencement of the rains, the pancháyats should inspect all the survey numbers available for grazing and should approximately estimate the limit of cattle per acre for which grazing would be available during the year.

9. The pancháyat shall declare certain portions of the total grazing area to be closed for such time as they deem proper, having regard to the number of cattle and the total area available and may declare such portion open at the expiry of the period. Such announcements to be published in the *chávdi* subject to the sanction of the Sub-Divisional Officer.

10. The pancháyat shall set apart certain portions of the grazing area for the exclusive use of sheep and goats.

11. The village officers shall, subject to the resolutions of the pancháya under rules 8, 9 and 10, issue passes to cattle owners and levy such fees as shall from time to time be determined by the Collector.

12. When cattle of other villages have resorted to the village to graze, the pancháyat shall continue the privilege after consideration of the surplus at their disposal.

13. Passes to professional graziers shall continue to be issued subject to the limitations imposed by the pancháyat, and the pancháyat may grant or refuse such passes subject to the sanction of the Sub-Divisional Officer.

14. When cattle resort to forest proper to graze, the pancháyat shall afford every assistance in their power to the Forest Department and all disputes relating to grazing shall be first referred to the pancháyat for consideration.

15. The pancháyat shall have access to the accounts and registers kept by the kulkarni for the purpose of regulating grazing arrangements.

16. The pancháyat shall have power to authorise the lower village servants to impound such cattle as are found straying in closed areas or such sheep and goats as are found grazing in the areas closed to them.

17. The dead and dying trees marked for cutting by the Panch should be cut and no other. The stumps should be cut flush with the ground. The rate of fee should be 1 anna per head-load.

18. Where damage has been done to the grazing areas, the pancháyat shall be entitled to institute prosecutions.

19. The boundary marks of the grazing areas shall be kept up by the pancháyat under the control of the Revenue officers, and such necessary expense shall be defrayed from the fees paid for passes subject to the sanction of the Sub-Divisional Officer.

20. Members of pancháyats shall be liable to removal from office for misconduct or continued absence from the meetings, such removal to be made by the Mámlatdár subject to the approval of the Sub-Divisional Officer.*

VI. Privileges.

C. GRAZING—*continued.*

especially in June and July, and the restriction of destructive and wasteful practices. Here once more the grazing fee can be brought into operation as an educative instrument. The fees can be enhanced when the panchayat fails in its duty, and halved or remitted when it does well or excellently. In a village in which the grazing area comprises only forest classed as pasture and revenue waste, and of which the cattle, do not by custom resort to any forest proper for grazing, there will be no question of control by the Forest Department. In a village where the grazing area consists of forest proper only, which is in charge of the Forest Department, there can be no panchayat. But in a village in which there is both forest proper open to grazing and also forest classed as pasture, or revenue waste, or both, and in the case of villages of which the cattle are accustomed to resort to the forest proper for grazing, it should be the duty of the forest officer to seek the assistance of the panchayat in controlling the use by the villagers of the forest proper and it should be the duty of the panchayat to co-operate with the officer in checking trespass in forest proper and especially in closed forest. In the rules to be prescribed under section 27, Indian Forest Act, it would probably not be desirable to lay down any fixed proportion between the acreage of pasture available and the number of cattle which should be allowed to graze in "village forests"; it would seem preferable to leave the panchayat to do its best for the community in the circumstances existing in the village.

In organised forest (1) the period of closure will nowhere exceed ten years; (2) closure will be by compartments and not by sub-blocks where the forest borders on cultivation and is subjected to regular grazing; (3) no area will be considered closed which is within one hundred yards of a right of way to water; (4) no area will be closed within a quarter of a mile of a village, unless the Collector is satisfied that inconvenience will be caused to the people; and that in unorganised forest (1) area will be closed to grazing unless for some special reason, and (2) ordinarily the area will be treated primarily as grazing ground and plans for working it will be prepared on that basis.

207a. The procedure in the collection of grazing fees and remuneration of village officers is as follows :—

System of crediting fees to the Treasury and of remunerating village officers.

When the grazing lands are in charge of the Revenue Department and the fees are collected by that Department the revenue should be treated as "I—Land Revenue" but fees for grazing in lands in charge of the Forest Department realized by revenue officers as agents of the Forest Department should be credited to "Forests".

Where combined passes allowing grazing rights in forest pastures, partly in charge of the Revenue and partly in charge of the Forest Department

VI. Privileges.

C. GRAZING—continued.

are issued the revenue should be finally credited in the accounts of the Department which actually collects it :

Remuneration to village officers should be paid by deduction from collections before actual payment into the Treasury :

Provided the fees are collected within the prescribed time village officers are to get remuneration for all fees collected.*

[NOTE.—The rules regulating grazing in the various districts of the Presidency are given at the end of "C. Grazing" under sections 228 to 236 of this chapter.]

Commissioners may 207b. The Commissioners of Divisions are authorized to sanction the remission of grazing fees upto any amount.†

208. It is the wish of the Government of India and of this Government that there should be as little official interference as possible with the management of the pasture areas. Now the majority of officers consulted are in favour of the Kánara system of levying an uniform fee, and it is reported that, except in the Poona District and in the Peint Táluka and apparently also in the privileged villages of Khándesh, the people are not averse to it. Mr. Cumine prefers voluntary arrangements with the villagers as a body, and this system is admissible under the existing rules. It appears to the Governor in Council that in practice these two systems will work almost uniformly, for on the one hand the lump sum must be fixed with reference to the number of cattle in the village and on the other it may be assumed that every owner will be willing to pay an exceedingly small fee for the grazing regularly or occasionally of each of his animals, and it will be to the interest of the body of villagers to prevent grazing for which payment is not made. Accordingly the system of an uniform fee should be generally introduced, but in any case in which villagers prefer to pay a lump sum proportionate to the fees which would be due for all the cattle, and to distribute the liability amongst themselves, that course should be allowed. The fee should be 2 annas per head for all animals of agriculturists of forest villages, 4 annas per head for all animals of agriculturists of non-forest villages and Re. 1 per head for all cattle of professional graziers. The amount of revenue derived from this source is of comparatively small importance, but it is essential that the right of Government to charge for the use of the pasture areas should be exercised and maintained. It is true that animals of one class eat more than those of another and are more destructive of the grass, but the same statement holds good with regard to the old and young animals of any class, and it is not possible to charge fees in strict proportion to the benefit obtained. If the people of any villages refuse to accept either of the systems above described, maintaining a claim to free grazing for their agricultural cattle the existing rules

* Government Resolutions No. 9084, dated 22nd September 1906; and No. 6918, dated 9th July 1908.

† Government Resolution No. 8885, dated 3rd October 1910.

VI. Privileges.

C. GRAZING—continued.

should be rigidly enforced, care being taken that the exemption is confined to agricultural cattle. It is most probable, however, that if the advantages and in particular the freedom from interference which are gained from the adoption of a system of lump payment or uniform fee are explained, refusal will not be maintained.* Since the lump sum system finds no favour generally, although the experiment made in Poona has proved to be financially successful, Government do not desire further efforts to be made to induce the people to accept a system which they do not want. The present system of grazing fees should continue, but a Collector may in his discretion introduce the lump sum system in any village the residents of which prefer it.†

209. In Kánara grazing should be allowed over all Protected Forests excepting in such portions as may be closed from time to time by the forest officers, with the proviso that in small villages or areas more forest should not be closed at one time than would leave grazing open at the rate of 3 acres per head of cattle. A uniform fee of 2 annas per head should be levied on all cattle, whether plough bullocks or other animals, which are grazed in the forests, belonging to villagers resident in the district not being professional graziers. For cattle belonging to professional graziers, whether resident in Kánara or not, and those the property of persons not residing in the district but bringing their cattle there to graze, a uniform fee of one rupee per head should be levied.‡

Grazing in Protected Forests of Kánara.

210. Except in the case of any really valuable grass kurans where it has been customary to sell the grass and grazing by auction, and they fetch a high price, the practice of annual auction should be discontinued.

Disposal of grass in kurans.

In respect of valuable kurans, *i. e.*, of forest reserves set aside to meet the fodder and grazing wants of large centres of population, the former practice of selling the areas by auction and the orders concerning their disposal are not affected by the rules in Government Resolution No. 3595, dated 23rd May 1890.§

NOTE.—The Government Resolution referred to above relates to grazing rules where a fixed fee for various classes of cattle is levied, and not the Kánara system.

211. The fact must be recognized that in some districts and in some forest tracts it is essential to provide a certain amount of grazing for a certain number of cattle in the Government Forests. Where no grazing rights exist, where the privilege of grazing in the forests has not been enjoyed, and where there is a plentiful supply of grazing available outside the Government Forests, either on occupied land or on unassessed waste, there is no need

Procedure to be followed when determining the forest areas in which grazing is to be permitted.

* Government Resolution No. 1668, dated 8th March 1898.

† Government Resolution No. 9982, dated 10th October 1907.

‡ Government Resolutions No. 3595, dated 23rd May 1890; and No. 5652, dated 13th August 1890.

§ Government Resolutions No. 7467, dated 18th September 1885; and No. 4379, dated 23rd June 1890.

VI. Privileges.

C. GRAZING—*continued.*

to allow of the pasturing of cattle inside the forests. Where on the other hand the interests of agriculture would seriously suffer and the welfare of the cultivators would be very prejudicially affected if all grazing in Government Forests was strictly prohibited, there within certain defined limits and on certain fixed conditions grazing in the forests must be permitted. What should be those limits and what those conditions, an efficient Collector who knows what the cultivators may in justice claim, what they can afford to pay, and what area can be opened to grazing without detriment to forest conservancy or injury to the future growth of grass and trees, can best be determined in consultation with the local Forest Department Officer, a wide discretion being granted to the Commissioner.*

- 212.** It is the wish and intention of Government that grazing requirements shall be fully met from what are practically grazing grounds included in Reserved Forest. The best way to secure this is to direct that the grazing fees for both cattle and sheep shall be fixed by the Collector in consultation with the Divisional Forest Officer, the Commissioner deciding in case of disagreement. These orders supersede previous orders on the same subject. The general policy of Government prescribing lenient treatment in dealing with matters of grazing, is laid down in paragraphs 2 to 5 of Government Resolution No. 650, dated 26th January 1891.†
- Requirements of the people in regard to grazing, should be fully met wherever possible.
- Fixing the rates of grazing fees.
- Leniency of treatment in dealing with grazing.

NOTE.—With regard to fixing fees for various classes of cattle the above order would only refer to the districts in which the Kánara system is not in force. [Read sections 207 and 208, Standing Orders, Forests.]

- 213.** There is no doubt but that the grazing of sheep in forest lands where the young growth has not attained to a height of several feet, must be to a certain extent injurious to the trees, but the absolute prohibition of the grazing of sheep in all the forest area would probably ruin the sheep farming industry. In talukás, therefore, where sheep are bred and brought to graze, the forest should be worked on the block system, one compartment being absolutely closed in rotation for a definite specified period. Sheep should then not be allowed to enter the closed compartments, but may be permitted on payment of the prescribed fee to graze between September 15th and May 15th in the unclosed compartments. Where in the opinion of the Divisional Forest Officer the grazing of sheep can without risk of material injury to the forest growth be allowed in unclosed compartments between 15th May and 15th September, such grazing may be permitted in that season also.
- Grazing of sheep in forests.
- Period during which sheep may be allowed to graze in forests.

It is not necessary, however, to lay down absolutely what sheep are to be admitted to all unclosed areas between September 15th and May 15th. There is

* Government Resolution No. 6303, dated 27th August 1889.

† Government Resolutions No. 5061, dated 24th July 1891; and No. 5341, dated 6th August 1891.

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Insert the following in its proper place :—

“ 215a. As ample provision for sheep grazing will now be available in the forests in charge of the Revenue Department, Sheep and Goats should be excluded from grazing in forests in charge of the Forest Department every where except in Kanara where the number of the former is so small that they may be disregarded and the admission of the latter at the rate of one for fifty sheep is a matter of no importance. (Government Resolution No. 10549, dated 21st November 1910, Revenue Department).”

VI. Privileges.

C. GRAZING—*continued.*

room for the exercise of judgment in this matter. But it is not one in which Government can pass detailed and specific orders. The general principle has been stated above. The Conservator may be able to point out cases where it is reasonable and expedient that exceptions should be made in the public interest. But in dealing with such cases it is fair that the sheep-breeding industry should be represented by the Collector and the practical measures which should be adopted will best be settled by the Revenue and Forest Department in consultation. Cases for exception will be those in which it is recognized that the admission of sheep to graze in a given area will cause injury to young trees or to grazing of cattle out of proportion to the benefit obtained by the sheep-graziers.*

214. The question of dealing with goat and sheep-grazing at any rate on State lands, and of confining it to areas where the least harm would result, should receive the practical consideration of Local Governments and Administrations. The grazing of these animals, especially of goats, is incompatible with rational forestry, or even with the preservation of the ordinary bushes and trees of the country; and the areas to be devoted to the growth of forests must be separated from those to be sacrificed to the pasture of browsing animals. The circumstances affecting the separation in question, however, vary so much in accordance with climatic conditions, that the question should be considered in each locality on its own merits, due weight being given, in each case, to the capabilities of the land, and to the advantages of silvicultural treatment on the one hand and of pasture on the other.†

215. When for the proper reboisement of forest areas such a course is demanded, all sheep and goats should be absolutely excluded from those areas. Orders as to the areas thus to be closed to sheep and goats should be issued by the Collectors with the sanction of the Commissioners after consulting the Conservators of Forests. In cases where the Collector and the Conservator of Forests hold divergent views as to the areas so to be closed and are unable to come to an agreement, the question should be left with the Commissioner without reference to Government.

215a. Wandering shepherds moving about from place to place with their flocks should be treated as professional graziers, and when their flocks are admitted to graze in the forests, special rules for the regulation of such grazing should be made and enforced, and a higher rate of fee than that levied for sheep, the property of local owners admitted into the forests of their own village, should be charged.‡

* Government Resolutions No. 529, dated 19th January 1885; and No. 3442, dated 29th April 1885.

† Government of India, Revenue and Agriculture, No. 21-F, dated 12th July 1889, *vide* Government Resolution No. 6487, dated 3rd September 1889.

‡ Government Resolutions No. 6487, dated 3rd September 1889; and No. 8166, dated 26th October 1889.

VI. Privileges.

C. GRAZING—continued.

- 216.** It is not seen why for the purposes of determining the number of agricultural cattle to be allowed free grazing there should be any insuperable, or indeed any serious, difficulty in ascertaining accurately for each village the number of cattle actually used for agricultural purposes, *i. e.*, for ploughing and drawing water. Such returns should be prepared for

List of village cattle to be prepared so as to be able to form an accurate estimate of the grazing required.

each village by the village officers, should then be checked by, first the Mamlatdar and then the Assistant Collector, who would finally pass the list and inform the Divisional Forest Officer of the number of cattle in each village entitled to free grazing. This plan would obviate random estimates based either exclusively on proportion of cattle to tillage acreage or on the returns of plough cattle as given in the Village Forms, which clearly include animals not used for agricultural purposes and unserviceable as well as cattle employed *bonâ fide* for ploughing and drawing water.*

- 217.** To admit to free grazing all the plough cattle or the animals entered as such in columns 20 and 21 of Village Form No. 13, would very possibly be to grant that privilege to a number of animals materially in excess of the number for which it could properly be claimed, even if bullocks used in the

Limitation to grazing of plough and other cattle free of charge.

season for ploughing and drawing water and in the cultivator's idle months employed to draw carts on hire are deemed "Agricultural Cattle" and entitled to free grazing. It is notorious that in every village many old, worn out, or useless bullocks are kept which are of no service to their owners and are not employed by them for any purpose but which they simply keep until they die of old age, disease, or starvation leaving them to forage for themselves with the cows, calves and other village cattle and never stall-feeding them or providing them with food. The returns in Form V given in the Annual Reports of the Agricultural Department, show that these useless animals must be included in columns 2 and 3 of those returns, which correspond with columns 20 and 21 of Village Form No. 13, as cattle actually used for plough work. The numbers given in columns 6 and 7 of those returns, which correspond with columns 24 and 25 of Village Form No. 13, are altogether insignificant when compared with the total numbers either of plough cattle, or of "all cattle", and clearly cannot include the old or worthless cattle. In the circumstances it is impossible to accept the proposal as it certainly is not desirable that free grazing should be provided for these useless animals as would be the case were they comprised under the head "plough cattle."*

VI. Privileges.

C. GRAZING—*continued*.

218. If a person who holds land for cultivation in a forest village, but does not himself reside therein, has any cattle in the village which are employed to plough or to draw water for the irrigation of his land in the village, those cattle are entitled to free grazing in the forest block of that village. No other cattle belonging to him are entitled to the privilege.*

Free grazing to cattle of a forest village belonging to a person holding land in that village but residing elsewhere.

219. Having regard to the extent and nature of the forests in Thána and the rainfall in that district, there is no objection to the privilege of free grazing being extended in that Collectorate to milch cattle and their calves, being the property of cultivators resident in forest villages, other than professional breeders

Free grazing of milch cattle in Thána and other districts.

and graziers, subject to the conditions specified in the grazing rules sanctioned by Government Resolution No. 3595, dated 23rd May 1890.†

NOTE.—The Government Resolution mentioned above relates to the grazing rules. The grazing rules are given separately for each district at the end of "C. Grazing."

Government are now prepared to authorize the grant generally of the concession in respect of allowing free grazing of milch cattle, the *bonâ fide* property of agriculturists resident in forest villages, and kept by them to supply milk for their consumption, given in the case of the Thána District, by Government Resolution No. 5316, dated 29th July 1890.‡

NOTE.—For abovementioned Government Resolution read first portion of this section.

220. The fee for horses, mules, asses, etc., should be two annas per head for animals the property of agriculturists (whether of forest or non-forest villages) and one rupee per head for animals the property of professional breeders.§

221. The orders in Government Resolution No. 8952, dated 15th September 1909, do away with the old distinction between the cattle of forest and non-forest villages.¶

NOTE.—Rule XI is as follows :—

"The demands for the admission of cattle in a forest block to grazing will be satisfied in the following order :—

- (1) Cattle entitled to free grazing.
- (2) Other village cattle belonging to cultivators.
- (3) Cattle the property of resident professional graziers and others.
- (4) Outside cattle."

222. With reference to the difficulty experienced by some officers in deciding what the term "outside cattle" signifies, it would seem sufficient to define them as being cattle not comprised under the heads (1), (2) and (3) in Rule XI. [Read above note.]‡

Definition of outside cattle.

* Government Resolution No. 3617, dated 26th May 1890.

† Government Resolution No. 5316, dated 29th July 1890.

‡ Government Resolution No. 8665, dated 5th December 1890.

§ Government Resolution No. 1222, dated 10th February 1910.

VI. Privileges.

C. GRAZING—*continued.*

223. The general rates of grazing fee to be charged for horned cattle are two annas per head in the case of "village cattle" and Re. 1 per head in the case of "non-village cattle". The Governor in Council is pleased to direct that the lower of these rates should be charged in the case of cattle belonging to recognised Pinjrápoles. The rate of fee now sanctioned will, however, be liable to enhancement at the discretion of the Collector, in the event of improper use being found to be made of the concession by the inclusion among the Pinjrápole cattle of animals for which a higher rate might properly be charged under the rules and also in the event of repeated trespass into forest by the Pinjrápole cattle or damage to the grazing areas by reason of the negligence or wilful mischief of its herdsmen.*

224. 1. The reports submitted by the Revenue and Forest Officers in the Southern Circle contain nothing against the system of the collection of grazing fees through the agency of Village Officers, except the want of proper supervision of these officers by the Mámlatdárs, Range Forest Officers and the superior officers of the Revenue and Forest Departments. Procedure to be followed in the Southern Circle to enforce the collection of grazing fees under the Kánara system. If the Táluka and Range and Forest Divisional and Revenue Sub-Divisional Officers will take care to see the forest grazing fees are not neglected by the Village Officers, and will take due notice of the negligent, there appears to be no reason why the system should not bring in an adequate revenue. The attention of the officers concerned should be drawn to the remarks of the Divisional Forest Officer, Dhárwár, and they should be informed, 'that if similar vigorous attention is paid to the subject by other officers, similar satisfactory results will be achieved.'

2. The Commissioner should be authorized to extend the dates already fixed for any district where they are found to be unsuitable, and his attention should be invited to paragraph 3 of Government Resolution No. 3453, dated 29th May 1903. As suggested by the Commissioner double fees should be levied on cattle found grazing without a pass after the date that will be fixed for each district; in the case of such cattle found in forests in charge of the Forest Department these fees should be levied by the Forest Officers, and passes issued by them; while in case of such cattle found in forests in charge of the Revenue Department (*i. e.*, forest classed as pasture) or in village waste lands (in cases in which a pass is necessary in respect of such lands) the fees should be levied and the passes issued by the Circle Inspectors. It should be made a duty of the Circle Inspectors to examine and check the work of the Village Officers in this matter, and Collectors should be desired to insist on their Táluka and Sub-Divisional Officers seeing that the Circle Inspectors do not neglect this duty.

* Government Resolution No. 10404, dated 28th October 1909.

Section 227. Page 117.

Under "Northern Division" against "Kolába", *substitute* "15th August" for "31st July". (Commissioner, Southern Division's No. 2390, dated 5th June 1908.)

VI. Privileges.

C. GRAZING—continued.

3. Government concur generally in the views expressed by the Commissioner in paragraph 6 of his letter, and he should be requested to give instructions for the system of lump payment to be tried on the lines indicated by him.*

225. Government consider it desirable that the proposals respecting the fees to be charged for sheep and goats in each district should be submitted simultaneously with the proposals for classification of the forest areas. The Commissioners will, no doubt, be careful not to propose without very special reasons a variation for any district from the scale which he has already recommended for any other district or districts.†

NOTE.—For the fees which have been fixed see the various grazing rules at end of "C. Grazing."

226. The accounts of the Village Officers, who collect the grazing fees, will show what fees have been paid, and the superior officers will be able to test them by a comparison with the figures of the cattle census. It having been pointed out to Government that there was difficulty for Village Officers to collecting grazing fees in certain uninhabited tracts, His Excellency the Governor in Council is pleased to direct, that Forest Officers and other Subordinates of the Forest Department authorized by the Divisional Forest Officer, may be allowed to recover fees and grant receipts for the grazing of cattle and other animals in tracts where there are no inhabited villages or where the extent of the forest lands makes effective supervision by Village Officers practically impossible. The Collectors should, after consultation with the Forest Officers concerned, specify the tracts to which the proposed arrangement is to be extended, and should submit a list of such areas for the approval of the Commissioner.‡

227. His Excellency the Governor in Council is pleased to direct that in future no scale remuneration should be allowed to Village Officers on grazing fees collected by them on other than outside cattle after the dates specified below for the several districts of the Presidency proper:—

Northern Division.

Surat	...	...	...	...	} 31st August.
Panch Mahals	...	...	...	...
Thána	...	...	...	...	} 30th September.
Kolába	...	...	...	...

Central Division.

Ahmednagar	} 15th August.
Khandesh	...	...	...	...
Poona	...	...	...	...
Násik	...	...	...	...
Sátára	...	...	...	...
Sholápur	

* Government Resolution, Revenue Department, No. 8461, dated 1st November 1904.

† Government Resolution No. 5292, dated 31st July 1899.

‡ Government Resolutions No. 1668, dated 8th March 1898; and No. 7261, dated 12th October

VI. Privileges.

C. GRAZING—continued.

Southern Division.

Bijapur	...	...	...	...	} 15th September.
Dhárwár	...	...	...	...
Kánara	...	...	...	...	1st July.
Belgaum	...	...	...	...	15th August.*

Grazing Rules in Sind Forests approved by the Commissioner (No. 3033 of 9th November 1903).

Sind.

Sind Grazing Rules. **228.** 1. Free passes will be issued :—

- (1) for all cattle allowed the right of privilege of free grazing,
- (2) for cattle of *maldars* that may be allowed the privilege in exchange for free labour, and
- (3) for all cattle specially allowed the privilege by the Conservator.

Free passes should be issued once a year before the 1st November. They will be issued by the Divisional Forest Officer himself and under his signature.

2. Cattle entitled to free grazing will be allowed to graze in all parts of the forests in which the privilege has been granted, except those parts which are closed to grazing.

3. All such cattle must be protected by passes. These passes shall be in the form given in Rule 5, but shall have the word "Free" entered against entry No. 7, and shall be printed on white paper.

4. Cattle not entitled to free grazing will be allowed when protected by passes to graze in all forests, except those that are closed to grazing. Such passes may be issued for any period not less than 2 months or more than 12 months, and will be charged for at the following rates :—

			1ST CLASS FORESTS.		2ND CLASS FORESTS.	
			Fees per year.	Fees per month.	Fees per year.	Fees per Month.
			Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Camels	...	...	3 0 0	0 6 0	2 0 0	0 4 0
Buffaloes	...	...	1 8 0	0 3 0	1 0 0	0 2 0
Cows or Bullocks	...	...	0 12 0	0 1 6	0 6 0	0 0 9
Horses	...	...	0 12 0	0 1 6	0 6 0	0 0 9
Donkeys	...	...	0 8 0	0 1 0	0 4 0	0 0 6
Sheep	...	...	0 2 0	0 0 3	0 1 4	0 0 2
Goats	...	...	0 2 0	0 0 3	0 2 0	0 0 3

N. B.—For the sucklings of these animals, half the above fees will be charged.

* Government Resolution No. 4263, dated 5th July 1900.

For present section 228 substitute the following :—

Grazing Rules in Sind Forests.

228. 1. Free passes will be issued—

- (1) for all cattle allowed the right or privilege of free grazing,
- (2) for cattle of maldárs that may be allowed the privilege in exchange for free labour, and
- (3) for all cattle specially allowed the privilege by the Conservator or the Divisional Forest Officer.

Free passes should be issued once a year before the 1st November. They will be issued by the Divisional Forest Officer himself and under his signature.

2. Cattle entitled to free grazing will be allowed to graze in all parts of the forests in which the privilege has been granted, except those parts which are closed to grazing.

3. All such cattle must be protected by passes. These passes shall be in the form given in Rule 5, but shall have the word "Free" entered against entry No. 7 and shall be printed on white paper.

4. Cattle not entitled to free grazing will be allowed, when protected by passes, to graze in all forests covered by such passes except such portions thereof as are closed to grazing. Such passes will be issued for a period of 12 months and will be charged for at the following rates :—

			1st class Forests.	2nd class Forests.
			Rs. a. p.	Rs. a. p.
Camels	each	...	1 8 0	1 8 0
Buffaloes	"	...	0 12 0	0 6 0
Cows or bullocks	"	...	0 6 0	0 3 0
Horses	"	...	0 6 0	0 3 0
Donkeys	"	...	0 4 0	0 2 0
Sheep	"	...	0 1 0	0 0 6
Goats	"	...	0 2 0	0 2 0

N.B.—For the sucklings of these animals half the above fees will be charged.

5. The grazing pass, which shall be in counterfoil and duplicate, a printed on red paper, shall be issued by the Range Forest Officer and shall in the following form :—

Grazing Permit No.

1. Name and father's name.
2. Caste.
3. Residence.
4. Period covered by pass.
5. Forest to which permission to graze is granted.
6. Kind and number of animals.
7. Fees paid.
8. Name and residence of owner.
9. Date of issue of pass.
10. Name and rank of officer issuing it.

Where the cattle rest at night in the *bhdn* of a *maldár*, the name of that *maldár* should be entered against entry No. 1 and the name of the *bhdn* against entry No. 3. Against entry No. 4, the entry will be "for 12 months from . . . to . . .". Against No. 5 the name of the forest or forests or of the range or sub-range should be entered as may be necessary, and in the case of sheep, goats or camels the compartment numbers of the Forests. Against entry No. 6 only one kind of animal should be entered. If a man has camels, buffaloes, cows, etc., a separate pass for the animals of each kind should be issued to him. Against entry No. 7 "Rs. . . . as" should be

entered, and in the case of the penal pass referred to in Rule 10 the amount levied as a penalty should also be shown, "Rs. . . . as. . . . levied as penalty". Against entry No. 8 the name and actual residence of the true owner of the cattle should be entered.

6. A pass will hold good only for the forests named in it, whether it be for a single forest or for the forests of a range or sub-range or for certain compartments of the forests as the case may be. Any cattle found under a pass that does not cover the forest in which they are then grazing will be treated as if they had no pass.

7. Passes must always be with the cattle when they go to graze in the forests, and for this reason cattle must always be accompanied by a herdsman who must carry with him the passes of all cattle grazing under his charge and produce them then and there, when called upon to do so; otherwise, the cattle will be liable to be impounded. Provided that, though the passes be not thus produced, still, if the owner of the cattle or someone on his behalf can show from the Forest Department books or otherwise that he has taken out for that forest proper passes for all his cattle so found, he may save them from being impounded by the payment of a fine which shall not exceed one-fourth of the fees for all his cattle so found or Rs. 5, whichever shall be the less. Provided, further, that the cattle shall not be impounded nor shall any fine be levied if it can be shown that the owner had already actually made an application under Rule 8, and had not yet received the new pass. Receipts shall be given for all fines imposed under this rule.

8. Anyone losing a pass will, on application to the officer who gave him the original pass, be furnished with a new one on payment of a fee of four annas.

9. No fresh pass will be issued to any owner of cattle against whom there is claim for fees or fines.

10. All cattle found grazing without passes having been taken out for them, cattle found grazing in closed blocks or places where grazing is forbidden, cattle found grazing between half an hour after sunset and half an hour before sunrise, may be impounded. They may, however, and should as far as possible, be saved from being impounded by the payment of full fees as a fine, and, where a pass has not been taken out, the taking out of a pass in addition. If they are thus saved, the fact of full fees having been paid as a penalty and the amount so paid shall be noted on the pass issued.

11. The pass-holder or his servant will not be allowed to carry any cutting instrument, or to lop or injure any trees or bushes for the purpose of feeding his animals, and for any infringement of this rule will render himself liable to have his pass cancelled and to any other penalties prescribed under the grazing rules of the Indian Forest Act.

12. The pass-holder and his servants shall be bound, as required by section 78 of the Indian Forest Act, to furnish Forest Officers with information regarding the commission or intention to commit any forest offences in the forests, and further to assist them in—

- (a) extinguishing fires,
- (b) preventing fires spreading to and in such forests,
- (c) preventing the commission of forest offences, and
- (d) discovering and arresting offenders.

13. *Bhāns* for cattle, whether they be entitled to free grazing or not, can be erected only in places sanctioned by the Divisional Forest Officer.†

VI. Privileges.

C. GRAZING—continued.

Sind—continued.

5. The form of grazing-pass, which shall be in counterfoil and duplicate and printed on red paper, shall be issued by the Range Forest Officer, and shall be as under:—

GRAZING PERMIT NO.

1.	Name and Father's Name	...	...	...
2.	Caste	...	...	...
3.	Residence	...	...	...
4.	Period covered by Pass	...	...	...
5.	Forest in which permission to graze is granted	...	...	...
6.	Kind and number of animals covered by the pass	...	...	...
7.	Amount of Fees paid	...	...	...
8.	Name and Residence of Owner of Cattle	...	...	...
9.	Date of issue of pass	...	...	...
10.	Name and Rank of Officer issuing it	...	...	...

Where the cattle rest at night in the *bhan* of a *maldar*, the name of that *maldar* should be entered against entry No. 1 and the name of the *bhan* against entry No. 3. Against entry No. 4, the entry will be "For 2 months from to " or "For a year from to " as the case may be. Against No. 5, the name of the forest or forests or of the range or sub-range should be entered, as may be necessary. Against entry No. 6, only one kind of animal should be entered. If a man has camels, buffaloes, cows, etc., a separate pass for the animals of each of the different kinds should be issued to him. Against entry No. 7, "Fees for 2 months Rs. as. " or "Fees for 1 year Rs. as. " as the case may be, should be entered, and in the case of the penal pass referred to in Rule 10 the amount levied as a penalty should also be shown "Rs. as. levied as penalty." Against entry No. 8, the name and actual residence of the true owner of the cattle should be entered.

6. A pass will hold good only for the forests named in it, whether it be for a single forest or for the forests of a range, as the case may be. Any cattle found under a pass that does not cover the forest in which they are then grazing will be treated as if they had no pass.

7. Passes must always be with the cattle when they go to graze in the forests, and for this reason cattle must always be accompanied by a herdsman, who must carry with him the passes of all cattle grazing under his charge and produce them then and there, when called upon to do so; otherwise, the cattle will be liable to be impounded. Provided that, though the passes be not thus produced, still, if the owner of the cattle or some one on his behalf can show from the Forest Department books or otherwise that he has taken out for that forest proper passes for all his

VI. Privileges.

C. GRAZING—continued.

Sind—concluded.

cattle so found, he may save them from being impounded by the payment of a fine which shall not exceed a fortnight's fees for all his cattle so found, or Rs. 5, which ever shall be the less. Provided, further, that the cattle shall not be impounded nor shall any fine be levied, if it can be shown that the owner had already actually made an application under Rule 8 and had not yet received the new pass. Receipts shall be given for all fines imposed under this rule.

8. Any one losing a pass will, on application to the officer who gave him the original pass, be furnished with a new one on payment of a fee of 4 annas.

9. No fresh pass will be issued to any owner of cattle against whom there is a claim for fees or fines.

10. All cattle found grazing without passes having been taken out for them, all cattle found grazing in closed blocks or places where grazing is forbidden, all cattle found during the period from 15th October to 15th April, both inclusive, grazing between half an hour after sunset and half an hour before sunrise should be impounded. They may, however, be saved from being impounded by the payment of 1 month's fees as a fine and where a pass has not been taken out the taking out of a pass for not less than 2 months. If they are thus saved, the fact of 1 month's fees having been paid as a penalty and the amount so paid shall be noted on the pass issued.

11. *Bhans* for cattle, whether they be entitled to free grazing or not, can be erected only in places sanctioned by the Divisional Forest Officer.

Thana.

229. Rule 1.—A forest block will henceforth be divided into two portions: Thana Grazing Rules. only, viz. (1) "the open" and (2) "the closed."*

Closed Forest is "defined as that portion of the forest which is closed to the exercise of every privilege whatever except under the written permission of the Divisional Forest Officer."† It will ordinarily include ten compartments of each forest block, and will not be practically larger than one-fourth of the entire forest of the district.

Areas of forest other than cut compartments, which have been closed for stated periods with the consent of the Collector, and certain valuable kurans, the grass of which is sold annually, are also classed as closed forest.

No fresh areas of forest other than compartments cut within the previous ten years can be closed for any reason whatever without the prior assent of the Collector.‡

Open Forest is all the forest not classed as closed forest and ordinarily amounting to three-quarters of the total area of the forest under the Working Plan.

* Government Resolution No. 3595, dated 23rd May 1890.

† Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 4.

‡ Government Resolution No. 7107, dated 6th September 1892, para. 1, rule 9.

Add the following* :—

After Rule 11, the following rule shall be inserted :—

12. The above rules shall be read with the supplementary rules relating to browsers issued under the Commissioner's memorandum No. 403, dated the 3rd February 1910, *viz.* :—

This pass entitles the holder to browse only the number of sheep, goats or camels entered in the body of the pass, on payment of the prescribed fees, in the following compartment of the Forest :—Compartment No.

Supplementary rules to regulate the browsing of sheep, goats and camels in the forests.

2. The pass holder will not be allowed to graze his sheep, goats or camels in any compartments other than those allotted to him. Any wilful infringement of this rule will render the holder liable to have his pass cancelled. It shall be the duty of the Guard of the beat to point out the allotted compartment to the pass holder without delay.

3. The pass holder or his servants will not be allowed to carry any cutting instrument or to lop or injure any trees or bushes for the purpose of feeding his animals, and for any infringement of this rule will render himself liable to have his pass cancelled and to any other penalties prescribed under the grazing rules and the Indian Forest Act.

4. The pass holder and his servants shall be bound, as required by section 78 of the Indian Forest Act, to furnish Forest Officers with information regarding the commission or intention to commit any forest offences in the forests ; and further to assist him in—

- (a) extinguishing fires ;
- (b) preventing fires spreading to and in such forests ;
- (c) preventing the commission of forest offences ; and
- (d) in discovering and arresting offenders.

VI. Privileges.

C. GRAZING—continued.

Thana—continued.

Rule 2.—The term “gáirán” in connection with a Reserved or Protected Forest will cease to apply.

Rule 3.—Grazing will be permitted in the unclosed portion, which will be open both to cattle allowed free grazing, and to other cattle in respect of which payment has to be made for grazing.

Rule 4.—Villages which have contributed gáirán to the formation of a forest block are to be allowed free grazing in the open forest of that forest block for all their agricultural cattle.

Rule 5.—Villages which have contributed no gáirán to forest will pay fees for all their cattle admitted into the forests to graze.

The villages of the three talukas, Bassein, Bhiwndi and Kalyán, have for the purpose of making the distinction called for in Rules IV and V been divided into two classes, viz., A villages and B villages.

A villages are villages which have contributed gáirán to forest.*

B villages are villages which have not contributed gáirán to forest.†

Rule 6.—The term “agricultural cattle” shall be held to comprise cattle used solely for purposes of cultivation in the village, whether for ploughing or for drawing water for irrigating garden land.

This definition has been enlarged to include cultivators' milch kine and their calves. Aged and worn out cattle have, however, been expressly excluded.‡

NOTE.—It is important to note that in accordance with the instructions of the Commissioner, N. D., all the cultivators' cattle of A villages have hitherto been classed as agricultural cattle in the censuses that have been made. Assistant Collectors and Mámlatdárs were instructed when examining censuses to note specially any marked disproportion between the animals entered and the area of the “Kháta” or “Holding” of each registered occupant. About such cases the Commissioner directed that inquiry should be made, and if any abuse of the free grazing of privilege is discovered, as for instance, if the cultivator is found to be really a professional grazier, but owning a small piece of land, than the free passes, which he has in excess, will be withdrawn and he will have to pay. Every year the census will be more accurate and unprivileged animals will be excluded.

By a subsequent ruling§ under Rule 14 cultivators' cattle (not being agricultural cattle) of A villages and all cultivators' cattle of B villages pay fees at the same rate, viz., single fees, and non-cultivators' cattle, whether of A or B villages, pay fees at the same rate, viz., double fees. The distinction between cattle belonging to cultivators, agricultural and non-agricultural, and cattle belonging to non-cultivators must thus be clearly explained. The following regulations have, therefore, been made:—

(a) Partners in occupancies or tenants are included as cultivators, though the numbers do not stand in their names.||

* Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 7.

† Commissioner, N. D.'s No. 5086, dated 3rd December 1890.

‡ Government Resolutions No. 5316, dated 29th July 1890; and No. 5600, dated 11th August 1890.

§ Government Circular No. 1050, dated 9th February 1891.

|| Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 10 (a).

VI. Privileges.

C. GRAZING—continued.

Thana—continued.

(b) Cattle held on undivided ownership by a cultivator of a forest A village and non-forest B village have the privileges of forest A villages.*

(c) Cultivators of depopulated forest A village have the privileges of A villages.*

(d) Cultivators' cattle of non-forest B villages are classed in the same category as single fee cattle belonging to cultivators of forest A villages.†

(e) Cattle hired by a cultivator of a forest A village for *bonâ fide* agricultural purposes should be considered to be his own cattle for the purposes of the grazing rules.‡

(f) Cattle kept by cultivators of forest A villages for agriculture but also used or hired out for draught purposes are considered as agricultural cattle.§

(g) Cattle owned by a person who does not reside but holds land for cultivation in a forest A village are only entitled to free grazing if they are employed to plough, or to draw water for the irrigation of his land in the village. No other cattle belonging to him are entitled to the privilege.||

(h) Any question as to the definition of a cultivator or non-agriculturist should be referred to the Assistant Collector for decision subject to an appeal by the Divisional Forest Officer to the Collector.¶

NOTE.—For the present as a special case Thakurs and Katkaris are allowed to graze all their cattle free, but the amount of fees remitted on this account should be reported Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 22. at the end of every season in order that attempted frauds may be checked.

Rule 7.—Village officers will prepare a census of all the cattle in the village, and a statement of the full amount of the fees to which they would be liable for grazing, assuming that none of them could, under the privilege accorded, claim free grazing.

The census is prepared by Talâtis in Village Forms Nos. 13 and 6, separate forms being used for cultivators and non-cultivators.§ The form for cultivators shows—

- (1) Name of cultivator,
- (2) Area of his holding,
- (3) Number of plough-bullocks or buffaloes returned as used for cultivation, milch kine and calves (all sucking animals are free and may be omitted),
- (4) Number of non-agricultural cattle,
- (5) Fees payable for the cattle,

* Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 10 (b).

† Government Circular No. 1050, dated 9th February 1891.

‡ Thana Collector's No. 5276, dated 9th July 1891.

§ Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 9.

|| Government Resolution No. 3617, dated 26th May 1890.

¶ Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 10 (c).

§ Commissioner, N. D.'s No. P.—111, dated 9th October 1890.

VI. Privileges.

C. GRAZING—*continued.*

Thana—*continued.*

and for non-cultivators—

- (1) Name of non-cultivator,
- (2) Number of cattle owned,
- (3) Fees payable for the cattle.

The procedure to be followed by the Taláti is guided by a set of orders from the Collector.

The Taláti have, however, been ordered to specially warn the owners of cattle that if they do not enter them in the list, passes will not be given, and if the animals are driven into forest without a pass, they will be liable to be impounded and their owners prosecuted for mischief.*

The censuses are to be examined from time to time by the Assistant Collectors and the Mámlatdárs each for his own district or *táluka*.

Rule 8.—The fees leviable on agricultural cattle will then be remitted, in such villages where the cattle are entitled to free grazing under Rule 4, by the officer to whom the Collector may assign that duty, and the cattle in question will be admitted, upon free permits, into the open portion of the forest block.

The officer to whom the Collector has assigned the duty is the Taláti and very complete instructions for his guidance have been issued.† These instructions include the following:—

(a) The Taláti must explain to the people, the open forest in which the grazing is permitted.

(b) Which of their cattle may have free grazing, and for which cattle fees must be paid.

(c) The procedure with regard to the employment of herdsmen and their duties.

The Taláti, after distinguishing between the different classes of cattle, issue the passes required by each and take the fees for such as have to be paid for. The payments made are entered daily in a rough day-book and are checked with the counterfoils of the pass books, and the last column of the census forms in which the dates of payment have to be entered.

Rule 9.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle, in excess of that number, should be admitted to graze. In determining the number, it must be considered how many cattle the open portion of the forest block can properly feed, without injury to—

- (a) the cattle;
- (b) the pasturage;
- (c) the forest itself.

* Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 13.

† Collector's Vernacular Orders, dated 10th, 12th and 18th November 1890.

VI. Privileges.

C. GRAZING—*continued*.

Thana—*continued*.

Rule 10.—The Revenue and Forest Officers will determine the number of cattle which can with safety be admitted into the open portions of a forest block.

The number of cattle which can be admitted has been determined as one head of cattle per acre.*

The open area of each block is communicated to the Taláti, who issues passes. If there are applications for more passes than represent one head of cattle per acre, report is made through the Mámlatdár to the Assistant Collector, who settles with Divisional Forest Officer if more can be admitted.

Rule 11.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order :—

- (1) Cattle entitled to free grazing.
- (2) Other village cattle belonging to cultivators.
- (3) Cattle the property of resident professional graziers and others.
- (4) Outside cattle.

Rule 12.—The fees to be levied upon village cattle belonging to cultivators shall be :—

For every buffalo	...	...	...	8 annas.
For every cow, ox, horse, mule or donkey	...	...	...	4 annas.
Sucking animals	...	...	...	Free.
For every sheep	...	...	...	1 anna.
For every goat	...	...	...	2 annas.

The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open forest block.

Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of 1 goat to every 50 sheep.

Should the villagers prefer to pay a consolidated fee for grazing all their cattle (sheep and goats excepted), whether privileged or not, the Revenue Officers shall meet the wishes, subject to the sanction of the Commissioner of the Division, who will determine the proportionate reduction of the fees.

The Revenue and Forest Officers have decided that, except under special instructions and for special reasons, sheep shall not be admitted to the forests of Thana at all. The entry of goats is thus also prohibited as they are only allowed in forest when accompanying sheep.†

If the villagers apply for permission to pay a consolidated fee for grazing all their cattle, with the sanction of the Commissioner, N. D., a lump sum may be paid

* Commissioner, N. D.'s No. P. - 111, dated 9th October 1890, para. 15.

† Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 16.

VI. Privileges.

C. GRAZING—*continued.*

Thana—*continued.*

by them or a general reduced rate of fee taken for all their cattle free and non-free alike.*

Grazing fees will be charged for cattle belonging to the Bombay Pinjrápole, when they are allowed grazing in forest, at the same rates as for cultivators' cattle of non-forest villages, *i. e.*, the rates charged will be 8 annas per buffalo and 4 annas per cow, &c. Such cattle will be allowed grazing in any forest only after the wants of the cattle of the District have been provided for or special areas may be assigned to them.†

Rule 13.—Forest Officers in protective charge of forest blocks shall require the village officers to muster all the village cattle in the village, in the early morning once a month or oftener should the need arise, to compare the cattle census with the permits issued.

Forest Officers are not to demand the mustering of the cattle with unnecessary frequency. They must first obtain the census from the Taláti for comparison, afterwards returning it to him. The attendance of the Taláti is not obligatory.‡

If there is any difference between the number of cattle mustered and the number shown in the census, the Forest Officer should, if a satisfactory explanation is given, amend the census and draw the attention of the Taláti to the amendment.‡

If the Forest Officer considers that there has been any irregularity or fraud, he should at once make a report to the Mámlatdár, sending the census with the report.

Rule 14.—Double the rate of fees prescribed in Rule 12 shall be levied in the case of cattle the property of resident professional graziers and others.

"The property of resident professional graziers and others" includes the cattle of non-cultivators, and of professional herdsmen whether of A or B villages. The term "professional grazer" may be interpreted to mean "all whose primary occupation is the keeping and grazing of cattle for profit."§

Rule 15.—The Forest Officers shall determine the rate of fees to be levied on outside cattle, which shall not be lower than that for resident professional graziers and others.

"Outside cattle" are cattle from outside the Thána District, and the cattle of professional graziers of non-forest villages.¶

The rate of fees to be levied on outside cattle has been determined at Rs. 1-4-0 per buffalo and Re. 0-10-0 per cow.¶

The red passes for outside cattle may be issued by Talátis as well as by the Forest Officers when thought advisable.¶

* Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 17.

† Government Resolution No. 842, dated 31st January 1891.

‡ Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 18.

§ Government Resolution No. 8382, dated 25th October 1892.

¶ Government Resolution No. 8665, dated 5th December 1890.

¶ Commissioner, N. D.'s No. P.—111, dated 9th October 1890.

VI. Privileges.

C. GRAZING—continued.

Thana—continued.

Rule 16.—Village Officers will issue permits and collect the fees in respect of—

(1) Cattle belonging to village cultivators subject to the payment of a fee, the permits for which shall be printed on *yellow* paper.

(2) Cattle of resident professional graziers and others, for which the permits shall be printed on *green* paper.

They will also issue permits for free cattle; such permits shall be printed on *white* paper.

Rule 17.—Forest Officers will issue permits and collect the fees for outside cattle, the permits for which shall be printed on *red* paper.

In the accompanying schedule the following details are clearly shown :—

(1) The kind of pass to be issued for each class of cattle grazed in forest.

(2) The cattle entitled to free grazing and those for which fees must be paid.

(3) The scale of fees charged for each class of cattle liable to fees for grazing in forest.

White Passes.	Yellow Passes.		Green Passes.		Red Passes.	
Agricultural cattle of 'A' villages. Cattle of Thákurs and Kátkaris (temporarily).	'A' village cultivators' non-agricultural cattle. 'B' village cultivators' cattle. Cattle belonging to Pinjárapole.		'A' village non-cultivators' cattle. 'A' village professional herdsmen's cattle.		Cattle from outside the Thána District. Cattle the property of professional graziers of non-forest 'B' villages.	
		Rs. a. p.		Rs. a. p.		Rs. a. p.
For every buffalo.	For every buffalo.	0 8 0	For every buffalo.	1 0 0	For every buffalo.	1 4 0
For every cow, ox, horse, mule or donkey.	For every cow, ox, horse, mule or donkey.	0 4 0	For every cow, ox, horse, mule or donkey.	0 8 0	For every cow, ox, horse, mule or donkey.	0 10 0
Sucking animals.	Sucking animals.	Free.	Sucking animals.	Free.	Sucking animals.	Free.
	When allowed.		When allowed.			
For every sheep.	For every sheep.	0 1 0	For every sheep.	0 2 0	For every sheep.	Not allowed.
For every goat.	For every goat ...	0 2 0	For every goat.	0 4 0	For every goat.	

VI. Privileges.

C. GRAZING—*continued.*

Thana—*continued.*

The Commissioner, Northern Division, is authorized to relax the rules as regards fees if in any case he should find the rates higher than the people can afford to pay.*

White, yellow and green passes can only be issued by Taláti.†

Red passes are issued by Range Forest Officers or others nominated by the Forest Officer, and by Taláti when the necessity has been shown.

Red passes issued for outside cattle are available for grazing in the open forest of any block in the range in which the pass is given. Should the grazier wish to go elsewhere the Divisional Forest Officer will settle, in communication with the Collector and the Conservator, what additional fees should be taken.‡

In regulating the grazing of outside cattle in accordance with the above direction it has been ruled that—

1. Cattle for which fees have been paid and passes obtained in one Range of a Forest Division may graze in any open forest of that Division, but when passing from one Range to another the passes should be taken by the grazier to the Range Forest Officer of the latter Range for scrutiny.§

2. Cattle for which fees have been paid and passes obtained for grazing in the forests of one Forest Division cannot be grazed in the forests of another Forest Division without the payment of fresh fees.

Rule 18.—A herdsman shall be in charge of every lot of not more than 50 head of cattle; his name shall be registered by the Village and Forest Officers; he shall wear a distinguishing badge of office; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the grazing area open to his cattle, and he shall carry with him in the forest the grazing permits for his cattle.

NOTE.—The badge to be worn by the herdsmen will be a leather belt with a brass buckle which will be provided by the Forest Department.

The Taláti when issuing passes is required to enter the name of the herdsman on the pass, to see that the passes are given by the cattle owner to a herdsman, that the latter is provided with the badge issued to him, and that he understands his duties.

The following regulations have been made regarding the issue of herdsmen's badges :—

(1) Persons appointed in charge of herds may be of either sex.¶

* Government Circular No. 1050, dated 9th February 1891.

† Commissioner, N. D.'s No. P.—111, dated 9th October 1890.

‡ Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 20.

§ Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 20, and Collector of Thana's No. 2206, dated 3rd April 1894.

¶ Government Resolution No. 4142, dated 17th June 1891.

VI. Privileges.

C. GRAZING—continued.

Thana—continued.

(2) Badges will be issued to herdsmen appointed by the owners to look after their cattle. The wearing of the badges is compulsory on men and boys so employed, but is optional to females.*

(3) The temporary transfer of the badge and grazing passes from a herdsman to another man appointed as such is allowed in case of absence or sickness after informing the Pátíl.†

(4) The herdsman should always carry with him his badge and bundle of passes.

(5) Cattle found grazing in the forests without an attendant in charge carrying his badge and his grazing passes will be liable to be impounded.

NOTE.—But prosecution in addition to impounding is only sanctioned when some other offence (such as mischief) accompanies the trespass.

(6) Badges will be issued free by Talátis to herdsmen appointed to attend herds and not to every owner of cattle.

Rule 19.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

Rule 20.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers, who may sell it for cutting and removal, or not, as to them may seem best.

Grazing will under no circumstances be permitted in the closed portion of a forest block. The people of villages, which have contributed forest to the block, may, however, on condition of protecting the forest from fire and other injury, be permitted by the Divisional Forest Officer to enter the closed forest and to cut and remove grass for agricultural purposes.

Rule 21.—The following simple rules shall be printed on the back of each forest permit :—

(1) This permit must always be taken by the holder into the forest with his cattle.

(2) It must be shown on demand to any Village or Forest Officer.

(3) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(4) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(5) The holder must not allow his cattle or other cattle to trespass into the closed portion of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

* Government Resolution No. 4142, dated 17th June 1891.

† Commissioner, N. D.'s No. P.—111, dated 9th October 1890, para. 23.

VI. Privileges.

C. GRAZING—*continued.*

Thana—*concluded.*

Rule 22.—Village officers shall prepare a census of all the cattle in their respective villages distinguishing between agricultural and other cattle. As regards the former a statement shall be framed showing—

- (1) the name of the cultivator ;
- (2) the aggregate area of his holding or holdings ;
- (3) the number of plough bullocks or buffaloes used by the cultivator solely for cultivation in his holding or holdings ;
- (4) the number of wells or Persian wheels on his lands used for irrigation ;
- (5) the number of cattle solely employed on these wells or Persian wheels.

Rule 23.—The Mámlatdár and the Assistant Collector shall compare the number of plough cattle returned with the area of the holding or holdings.*

Panch Mahals.

230. Rule 1.—A forest block will henceforth be divided into two portions only, *viz.* (1) "the open" and (2) "the closed."

Rule 2.—Grazing will be permitted in the *unclosed portion* which will be open both to cattle allowed free grazing, and to other cattle in respect of which payment has to be made for grazing. The closed portions will not exceed on the whole more than one-third of the total area.

Rule 3.—Villages which have contributed land to the formation of a forest block are to be allowed free grazing in the open forest of that forest block *for all their agricultural cattle.*

Rule 4.—Villages which have contributed no land to forests will pay fees for all their cattle admitted into the forests to graze.

Rule 5.—The term agricultural cattle shall be held to comprise—

- (a) Cattle used for purposes of cultivation in the village, for ploughing or for drawing water for irrigating garden land.
- (b) Milch cattle the property of cultivators.
- (c) Two heads kept by cultivators to provide manure.

Rule 6.—Village Officers will prepare a census of all the cattle in the village, and a statement of the full amount of the fees to which they would be liable for grazing, assuming that none of them could under the privilege accorded claim free grazing.

Rule 7.—The fees leviable on agricultural cattle will then be remitted, in such villages where the cattle are entitled to free grazing under Rule 3, by the officer to

* Extract from Mr. Millett's book on "Rules and Orders in force in Thana."

VI. Privileges.

C. GRAZING—*continued.*

Panch Mahals—*continued.*

whom the Collector may assign that duty, and the cattle in question will be admitted upon free permits, into the open portion of the forest block.

Rule 8.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portion of each forest block ; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle, in excess of that number, should be admitted to graze. In determining the number, it must be considered how many cattle the open portion of the forest block can properly feed without injury to—

- (a) the cattle ;
- (b) the pasturage ;
- (c) the forest itself.

Rule 9.—The Revenue and Forest Officers will determine the number of cattle which can, with safety, be admitted into the open portions of a forest block, and from time to time the months during which the open portions of the block can be closed.

Rule 10.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order :—

- (1) Cattle entitled to free grazing.
- (2) Other village cattle belonging to cultivators—
 - (a) of Forest villages ;
 - (b) of non-Forest villages.
- (3) Cattle the property of resident professional graziers and others.
- (4) Outside cattle.

Rule 11.—The fees to be levied upon village cattle belonging to cultivators shall be :—

				Western Maháls.	Eastern Maháls.
For every buffalo	...	...	...	3 annas.	2 annas.
For every cow, ox, horse, mule or donkey	...	...	...	2 "	1 anna.
Sucking animals	...	...	...	Free.	Free.
For every sheep	...	...	...	1 anna.	1 anna.
For every goat	...	...	...	2 annas.	2 annas.

The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open block.

Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of one goat to every 50 sheep.

Rule 12.—The Village Officer shall muster all the village cattle in the village in the early morning, when the Forest Officers in protective charge of blocks, acting

VI. Privileges.

C. GRAZING—*continued.*

Panch Mahals—*continued.*

under the special or general order of the Divisional Forest Officer, shall require them to do so, for the purpose of comparing the cattle census with the permits issued.

Rule 13.—Resident professional graziers and other resident non-cultivators shall pay the following grazing fees in all forests:—

For every buffalo	...	...	...	...	1 rupee.
For every cow, ox, horse, mule or donkey	...	...	...	...	8 annas.
For every sheep	...	...	...	...	2 "
For every goat	...	...	...	...	4 "

Rule 14.—The Forest Officers shall determine the rate of fees to be levied on outside cattle which shall not be lower than that for resident professional graziers and others.

Rule 15.—Village officers will issue all permits and collect all grazing fees, the necessary information regarding cattle of professional graziers and outside cattle being furnished to them by the Forest Officers.

Rule 16.—Permits for free cattle shall be printed on white paper; those for cattle belonging to villagers other than professional graziers for which fees are paid on yellow paper; those for cattle of resident professional graziers on green paper; and those for outside cattle on red paper.

Rule 17.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

Rule 18.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers, who may sell it for cutting and removal or not, as to them may seem best.

Rule 19.—The following simple rules shall be printed on the back of each Forest permit:—

(1) This permit must always be taken by the holder into the forest with his cattle.

(2) It must be shown on demand to any Village or Forest Officer.

(3) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(4) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(5) The holder must not allow his cattle or other cattle to trespass into the closed portions of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

VI. Privileges.

C. GRAZING—*continued*.

Panch Mahals—*concluded*.

Rule 20.—Village Officers shall prepare a census of all the cattle in their respective villages distinguishing between agricultural and other cattle. As regards the former a statement shall be framed showing—

(1) The name of the cultivator.

(2) The aggregate area of his holding or holdings.

(3) The number of plough bullocks or buffaloes used by the cultivator solely for cultivation in his holding or holdings.

(4) The number of wells or Persian wheels on his lands used for irrigation.

(5) The number of cattle solely employed on these wells or Persian wheels.

Rule 21.—The Mámlatdár and the Assistant Collector shall compare the number of plough cattle returned with the area of the holding or holdings.*

Bijapur.

Bajápur Grazing Rules.

231. *Rule 1.*—A forest block may henceforth be divided into two portions only, *viz.* (1) "the open" and (2) "the closed."

Rule 2.—The "closed portions" will henceforth be distinguished by demarcation stones and other marks being painted red from outside.

Rule 3.—The term "Gairan" in connection with a reserved or protected forest will cease to apply.

Rule 4.—Grazing is strictly prohibited in "closed" portion. It is the duty of Village Officers to warn each pass-taker that if he grazes his animals in the "closed" portions, the whole forest will be liable to be closed.

Rule 5.—Grazing will be permitted to all cattle in respect of which payment has been made for grazing in all "open" portions of the forest of the Division, as well as in all revenue waste lands of forest villages and the adjoining non-forest villages.

NOTE.—The cattle of the village in which a forest lies will be given preference over others.

Rule 6.—The following schedule shows the rates to be levied for grazing cattle :—

For professional graziers and cattle the property of owners outside the district :

1-0-0 for every buffalo, cow, ox, horse, mule or donkey and sucking animals of these classes admitted.

0-2-0 for every sheep.

0-4-0 for every goat.

(A professional grazier is one whose principal occupation is tending cattle.)

* Government Resolution No. 1663, dated 2nd March 1897.

VI. Privileges.

C. GRAZING—continued.**Bijapur—continued.**

For other residents of forest and non-forest villages:

0-4-0 for every buffalo, cow, ox, horse, mule or donkey and sucking animals of these classes admitted.

0-1-0 for every sheep.

0-3-0 for every goat.

Rule 7.—Village Officers will issue permits and collect the fees in respect of—

(a) Cattle, including sheep and goats, belonging to all agriculturists.

(b) Cattle, including sheep and goats, belonging to professional graziers.

Rule 8.—Forest Officers will issue permits and collect the fees for outside cattle, the permits for which shall be printed on red paper only.

Rule 9.—The Village Officers of forest villages shall prepare a census of all the cattle in their respective villages during the month of May. This census statement will show separately the number of cattle, the property of professional graziers and the names of each owner of both the classes of cattle.

Rule 10.—The Village Officers of non-forest villages will also comply with Rule 9, if any owner in the village expresses a desire to graze his cattle in any forest block, the fees being collected as prescribed in Rule 6.

Rule 11.—It is the duty of Village Officers to warn all villagers in the beginning of June of each year not to graze their cattle in the "open" portions without paying the prescribed fees. If they do, they will be liable to prosecution in addition to their cattle being impounded. The village officers should also remember that if they do not collect the fees in time, the Forest Officers will impound cattle and prosecute the villagers, thereby putting them to great worry and expense.

Rule 12.—If any person refuses to pay the fees or pays only for a portion of his cattle, it is the duty of Village Officers to watch where he grazes his cattle.

Rule 13.—The grazing year ends by the end of May. The Village Officers should collect the old passes in the beginning of each year and stick them to the originals in their pass books.

Rule 14.—Forest Officers in protective charge of forest blocks shall require the Village Officers to muster the village cattle in the early morning when the need arises, to compare the cattle census with the passes issued.

Rule 15.—A herdsman shall be in charge of every lot of not more than 50 head of cattle. His name shall be registered by the Village Officer and a copy sent to the Range Forest office. He shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the

VI. Privileges.

C. GRAZING—*continued.*

Bijapur—*concluded.*

grazing area open to his cattle and he shall carry with him in the forests the grazing passes for his cattle.

Rule 16.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

Rule 17.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers, who may sell it for cutting and removal or not as to them may seem best.

Rule 18.—As soon as a person tenders his money for a grazing pass, the amount should be *first* entered in the day book in his name and a grazing pass promptly issued. On no account should the issue of passes be postponed.

Rule 19.—The revenue collected should be promptly sent to the treasury. On no account should they allow it to remain with them for more than a week.

Rule 20.—Village Officers shall be entitled to the remuneration fixed for the collection of forest grazing revenue only provided the collection is effected before the 15th September of each year.

Rule 21.—The grazing dafter should be in charge of the Mulki Patel and should be available for inspection at all times by Revenue or Forest Officers.

Rule 22.—In order that the grazing dafters should be thoroughly inspected at least once a year the Village Officers should take it with them to Táluka Head-quarters when they go there for their annual inspection and get it examined by the Táluka Revenue Officers. This inspection should be done after the closing of the grazing year but before the end of July following.*

Dharwar.

Dhárwár Grazing Rules.

232. *Rule 1.*—A forest block will henceforth be divided into two portions only, *viz.* (1) "the open" and (2) "the closed."

Rule 2.—The term "Gairan" in connection with a reserved or protected forest will cease to apply.

Rule 3.—Grazing will be permitted *in the unclosed portions* to all cattle, in respect of which payment has been made for grazing, subject to the maximum fixed under Rule 5.

Rule 4.—Adequate restrictions are to be imposed upon the number of cattle permitted to graze in the unclosed portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle in excess of that number shall be admitted to graze. In determining the

VI. Privileges.

C. GRAZING—continued.

Dharwar—continued.

number, it must be considered how many cattle the open portion of the forest block can properly feed without injury to (a) the cattle, (b) the pasturage, (c) the forest itself.

Rule 5.—The Revenue and Forest Officers will determine the number of cattle which can with safety be admitted into open portions of a forest block.

Rule 6.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order :—

- (1) Cattle the property of forest villagers.
- (2) Cattle the property of non-forest villagers.
- (3) Cattle the property of resident professional graziers and others.
- (4) Outside cattle.

Rule 7.—The fees to be levied on cattle, sheep and goats belonging to the agriculturists in forest and non-forest villages, subject to the maximum fixed under Rule 5, will be four annas for every buffalo, cow, ox, horse, mule and sucking animals of these classes admitted.

For every sheep	...	...	...	...	1 anna.
Do. goat	...	...	...	...	2 annas.

The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open forest block.

Goats will only be admitted when accompanying flocks of sheep and then only in the proportion of 1 goat to every 50 sheep.

Rule 8.—Forest Officers in protective charge of forest blocks shall require the Village Officers to muster all the village cattle in the village in the early morning when the need arises to compare the cattle census with the permits issued.

Rule 9.—Subject to the maximum fixed under Rule 5, professional graziers and cattle the property of owners residing outside the district will pay fees at the uniform rate of Re. 1 for every animal of the classes stated under Rule 7.

For every sheep	...	...	...	...	2 annas.
Do. goat	...	...	...	...	4 annas.

Rule 10.—Village Officers will issue permits and collect fees in respect of—

- (a) Cattle belonging to all agriculturists.
- (b) Do. to professional graziers.

Rule 11.—Forest Officers and Village Officers will issue permits and collect the fees for outside cattle. These permits shall be printed on red paper.

VI. Privileges.

C. GRAZING—continued.**Dharwar—concluded.**

Rule 12.—A herdsman shall be in charge of every lot of not more than 50 head of cattle, his name shall be registered by the Village Officers and a copy sent to the Range Forest Officer; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the grazing area open to his cattle, and he shall carry with him in the forest the grazing permits for his cattle.

Rule 13.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

Rule 14.—The disposal of grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers who may sell it for cutting and removal or not as to them may seem best.

Rule 15.—The following simple rules shall be printed on the back of each forest permit :—

(1) This permit must always be taken by the holder into the forest with his cattle.

(2) It must be shown on demand to any Village or Forest Officer.

(3) The holder must assist in the protection of forest against fire and the cutting of ligneous vegetation.

(4) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(5) The holder must not allow his cattle or other cattle to trespass into the closed portion of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

Rule 16.—The Village Officers of forest villages shall prepare a census of all the cattle in their respective villages during the month of May in each year. This census statement will show separately the number of cattle, the property of professional graziers, and the name of every owner of any class of cattle.

Rule 17.—The Village Officers of non-forest villages will also comply with Rule 16 if any owner in the village expresses a desire to graze his cattle in any forest block, the fees being collected as prescribed in Rules 7 and 9.

Rule 18.—Village Officers shall be entitled to the remuneration fixed for the collection of forest grazing revenue, only provided the collection is effected before the 15th September of each year.

VI. Privileges.

C. GRAZING—continued.

Kánara.

233. I.—A forest block will henceforth be divided into two portions only, *viz.* (1) "the open" and (2) "the closed."

* Kánara Grazing Rules.

II.—Grazing will be permitted to all cattle in respect of which payment has been made for grazing subject to the maximum fixed under Rule VII: //

III.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the open portion of each forest block; that number must be limited to one-third the total number of acres comprising the open portion and no cattle in excess of that number should be admitted to graze.

IV.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order:—

(1) Cattle the property of forest villagers of the Kánara District.

(2) Cattle the property of non-forest villagers of the Kánara District.

(3) Cattle the property of professional graziers and others, permanent residents in the Kánara District.

(4) Outside cattle (*i. e.* of another district).

V.—The fees to be levied on cattle and sheep and goats belonging to residents (not professional graziers) in forest and non-forest villages, subject to the maximum fixed under Rule III, will be:—

Re. 0-2-0 (two annas) for every buffalo, cow, ox, horse, mule or donkey and sucking animals of these classes admitted.

Re. 0-1-0 (one anna) for every sheep.

Re. 0-3-0 (three annas) for every goat.

VI.—The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open forest block. Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of one goat to every 50 sheep.

VII.—Forest Officers in protective charge of forest blocks shall require the Village Officers to muster the village cattle in the village in the early morning when the need arises to compare the cattle census with the permits issued.

VIII.—Subject to the maximum fixed under Rule III, professional graziers and owners of cattle residing outside the district, will pay fees at the uniform rate of Re. 1 for every animal of the classes stated under Rule V except for sheep and goats for which the fees will be as follows:—

Re. 0-2-0 (two annas) for every sheep.

Re. 0-4-0 (four annas) for every goat.

VI. Privileges.

C. GRAZING—continued.**Kanara—continued.**

✓ IX.—Village Officers will issue permits and collect the fees in respect of—

(a) Cattle including sheep and goats belonging to all residents of the Kánara District.

(b) Cattle including sheep and goats belonging to professional graziers and others, permanent residents of the Kánara District.

✓ X.—Forest Officers will issue permits and collect the fees for outside cattle, the permits for which shall be printed on red paper only.

✓ XI.—A herdsman shall be in charge of every lot of not more than 50 head of cattle, his name shall be registered by the Village Officer and a copy sent to the Range Forest Officer; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the grazing area open to his cattle and he shall carry with him in the forests the grazing permits for his cattle.

✓ XII.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

✓ XIII.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers who may sell it for cutting and removal or not as to them may seem best.

✓ XIV.—The following simple rules shall be printed on the back of every forest permit :—

(a) This permit must always be taken by the holder into the forest with his cattle.

(b) It must be shown on demand to any Village or Forest Officer.

(c) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(d) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(e) The holder must not allow his cattle or other cattle to trespass into the closed portion of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

✓ XV.—The Village Officers of forest villages shall prepare a census of all the cattle in their respective villages during the month of April. This census statement will show separately the number of cattle the property of professional graziers and the name of each owner.

✓ XVI.—The Village Officers of non-forest villages of Kánara will also comply with Rule XV if any owner in the village expresses a desire to graze his cattle in any forest block.

VI. Privileges.

C. GRAZING—continued.

Kanara—concluded.

XVII.—Village Officers shall be entitled to the remuneration fixed for the collection of forest grazing revenue, only provided the collection is effected before the 1st of July of each year.

XVIII.—(a) A forest villager is a person who permanently resides in a forest village or who is the cultivator or owner of any cultivated land therein.

(b) A professional grazier is one whose chief source of livelihood is by trading in the proceeds and product of either horned cattle or sheep or goats. All Dhangars and Gowlis are professional graziers in the Kánara District.

(c) An agriculturist is one who does not make his livelihood chiefly out of the proceeds and products of either horned cattle or sheep or goats.

Special rules to regulate grazing in the organized teak areas of the Kánara District approved by Government in Government Resolution, Revenue Department, No. 5515, dated 30th May 1907.

(1) No grazing will be allowed in organized teak areas except under permits issued by the Range Forest Officer by whom also the fees will be recovered. These permits will be issued only to cultivators of villages within the limits of which any such area is situated or to cultivators enjoying privileges in such areas under Forest Settlement provisions and for the *bond fide* use of such cultivators only.

(2) Permits for buffaloes will not be issued unless they are shewn to be used for the agricultural or domestic purposes of the cultivators applying for permits. For other cattle permits will be refused only if the number is manifestly in excess of the requirements of the applicants for the land in that village.

(3) No Gowlis shall be allowed as herdsmen. For purposes of this rule the decision of the Divisional Forest Officer as to who is a Gowli will be final.

Kolaba.

234. Rule 1.—A forest block will henceforth be divided into two portions only, *viz.* (1) "the open" and (2) "the closed."

Rule 2.—The term "Gairan" in connection with a reserved or protected forest will cease to apply.

Rule 3.—Grazing will be permitted in the open portion to all cattle (in respect of which payment has been made for grazing) subject to the maximum fixed under Rule 5.

Rule 4.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the open portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing and no cattle in excess of that number should be admitted to graze; in determining

VI. Privileges.

C. GRAZING—continued.**Kolaba—continued.**

the number it must be considered how many cattle the open portion of the forest block can properly feed without injury to (a) cattle, (b) the pasturage, and (c) the forest itself.

Rule 5.—The Revenue and Forest Officers will determine the number of cattle which can with safety be admitted into the open portions of a forest block.

Rule 6.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order:—

- (1) Cattle the property of forest villagers.
- (2) Cattle the property of non-forest villagers.
- (3) Cattle the property of resident professional graziers and others.
- (4) Outside cattle (*i. e.* of another district).

Rule 7.—The fees to be levied on cattle belonging to the agriculturists and non-agriculturists both in forest and non-forest villages, subject to the maximum fixed under Rule 5, will be—

Re. 0-2-0 (two annas) for every buffalo, cow, ox, horse, mule or donkey and sucking animals of these classes admitted.

Rule 8.—Forest Officers in protective charge of forest blocks shall require the Village Officers to muster all the village cattle in the village in the early morning when the need arises to compare the cattle census with the permits issued.

Rule 9.—Subject to the maximum fixed under Rule 5, professional graziers and cattle the property of owners residing outside the district will pay fees at the uniform rate of Re. 1 for every animal of the classes stated under Rule 7.

Rule 10.—Cattle entitled to graze on payment of fees, if found grazing in open forest without permits, will be taken to the village authorities and the owners called upon to pay the fees due. If they pay at once the cattle may be released, otherwise they will be impounded.

Rule 11.—Village Officers will issue permits and collect the fees in respect of—

- (1) Cattle belonging to all agriculturists and non-agriculturists.
- (2) Cattle belonging to professional graziers, the permits for which shall be printed on yellow paper only.

Rule 12.—Forest Officers will issue permits and collect the fees for outside cattle, the permit for which shall be printed on red paper only.

Rule 13.—A herdsman shall be in charge of every lot of not more than 50 head of cattle. His name shall be registered by the Village Officer and a copy sent to the Range Forest Officer; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the grazing area open to his cattle, and he shall carry with him in the forest the grazing permits for his cattle.

VI. Privileges.

C. GRAZING—continued.

Kolaba—concluded.

Rule 14.—Goats, ^{Sheep} camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

Rule 15.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers who may sell it for cutting and removal or not as to them may seem best.

Rule 16.—The following simple rules shall be printed on the back of every forest permit :—

(1) This permit must always be taken by the holder into the forest with his cattle.

(2) It must be shown on demand to any Village or Forest Officer.

(3) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(4) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(5) The holder must not allow his cattle or other cattle to trespass into the closed portion of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

Rule 17.—The Village Officers of forest villages shall prepare a census of all the cattle in their respective villages during the month of May. This census statement will show separately the number of cattle, the property of professional graziers and the name of each owner.

Rule 18.—The Village Officers of non-forest villages will also comply with Rule 17, if any owner in the village expresses a desire to graze his cattle in any forest block, the fees being collected as prescribed in Rule 7.

Rule 19.—Village Officers shall be entitled to the remuneration fixed for the collection of forest grazing revenue, only provided the collection is effected before the 15th September of each year.

Belgaum.

235. *Rule 1.*—A forest block will henceforth be divided into two portions only, viz. (1) "the open" and (2) "the closed."

Rule 2.—The term "Gairan" in connection with a reserved or protected forest will cease to apply.

Rule 3.—Grazing will be permitted to all cattle in respect of which payment has been made for grazing subject to the maximum fixed under Rule 5.

Rule 4.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portions of each forest block ; that number must

VI. Privileges.

C. GRAZING—*continued.*

Belgaum—*continued.*

be limited to the cattle for which the open area can furnish sufficient grazing and no cattle in excess of that number should be admitted to graze ; in determining the number it must be considered how many cattle the open portion of the forest block can properly feed without injury to (a) the cattle, (b) the pasturage, and (c) the forest itself.

Rule 5.—The Revenue and Forest Officers will determine the number of cattle which can with safety be admitted into the open portions of a forest block.

Rule 6.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order :—

- (1) Cattle the property of agriculturists in forest villages.
- (2) Cattle the property of agriculturists in non-forest villages.
- (3) Cattle the property of resident professional graziers and others.
- (4) Outside cattle (*i. e.* of another district).

Rule 7.—The fees to be levied on cattle belonging to agriculturists in forest and non-forest villages subject to the maximum fixed under Rule 5, will be—

Re. 0-4-0 (four annas) for every buffalo, cow, ox, horse, mule or donkey and sucking animals of those classes admitted.

Rule 8.—Forest Officers in protective charge of forest blocks shall require the Village Officers to muster the village cattle in the village in the early morning when the need arises to compare the cattle census with the permits issued.

Rule 9.—Subject to the maximum fixed under Rule 5, professional graziers and cattle the property of owners residing outside the district will pay fees at the uniform rate of Re. 1 for every animal of the classes stated under Rule 7.

Rule 10.—Village Officers will issue permits and collect the fees in respect of all cattle.

Rule 11.—A herdsman shall be in charge of every lot of not more than 50 head of cattle. His name shall be registered by the Village Officer and a copy sent to the Range Forest Officer ; he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorised cattle enter the grazing area open to his cattle and he shall carry with him in the forests the grazing permits for his cattle.

Rule 12.—Camels, elephants, swine, sheep and goats shall be prohibited absolutely from grazing inside a forest block.

Rule 13.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers who may sell it for cutting and removal or not as to them may seem best.

Rule 14.—The following simple rules shall be printed on the back of every forest permit :—

- (1) This permit must always be taken by the holder into the forest with his cattle.

VI. Privileges.

C. GRAZING—concluded.

Belgaum—concluded.

- (2) It must be shown on demand to any Village or Forest Officer.
- (3) The holder must assist in the protection of the forests against fire and the cutting of ligneous vegetation.
- (4) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.
- (5) The holder must not allow his cattle or other cattle to trespass into the closed portion of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

Rule 15.—The Village Officers of forest villages shall prepare a census of all the cattle in their respective villages during the month of May, giving name of owner of each class of animal. This census statement will show separately the number of cattle the property of professional graziers.

Rule 16.—The Village Officers of the non-forest villages will also comply with Rule 15 if any owner in the village expresses a desire to graze his cattle in any forest block, the fees being collected as prescribed in Rule 9.

Rule 17.—Village Officers shall be only entitled to the remuneration fixed for the collection of forest grazing revenue, provided the collection is effected before the 15th August of each year.

Central Circle.

Central Circle Grazing Rules.

236. The grazing rules in force throughout the Central Circle are similar to those for the Southern Circle.

236a. Sheep and goats are permanently excluded from all Forest Proper in both East and West Khândesh districts.*

236b. Goats are wholly excluded from grazing in the forests of the Poona and Sátára districts.†

236c. The Collector of Sátára is authorized to reduce from Re. 1 to annas 8 the fee per head of cattle of professional graziers living in those parts of the district only which are remote from the railway and markets and in those cases only in which he is satisfied that the definition of professional graziers has included under that head persons who are unable to pay so large a fee.‡

* Government Resolution No. 2640, dated 13th March 1909.

† Government Resolution No. 138, dated 7th January 1910.

‡ Government Resolution No. 3959, dated 16th April 1908.

VI. Privileges.

D. Minor Forest Produce.

237. (1) In the opinion of His Excellency the Governor in Council the principle which should govern the action of the officers concerned in the matter of regulating the collection of minor forest produce is that—

Rules regarding the regulation and disposal of minor forest produce.

I. Exploitation should be limited—

(i) to articles for which a trade demand exists or for which there is a reasonable probability that such a demand may in time be created, and in respect of such articles, to localities in which they are produced in sufficient abundance, and which are sufficiently accessible to be worth working ;

(ii) to articles, such as catechu, the collection or manufacture of which it is necessary in the interest of forest conservancy to keep under effective control.

II. Except in so far as they may be reserved for exploitation in each district from year to year in pursuance of that principle, the collection and sale of articles of minor forest produce, in open forests, should be left free and unrestricted.

(2) The application of this principle will naturally vary in different districts and in different seasons, and His Excellency the Governor in Council considers that it should be left to the Revenue and Forest authorities of each district to consider and decide in concert each year, before the collecting season begins,

(i) what articles in what localities it will be proper to exploit, having regard to local conditions and past results ;

(ii) what arrangements should be made or what conditions imposed, either generally or specially, in order to prevent hardship and secure the greatest benefit to the people employed in collecting.

It should be clearly understood that Government are not anxious to make a revenue from minor produce and that the application of the principle should not be allowed to operate in restriction of any rights or privileges of collection for private use or sale that may have been, or may hereafter be, recognized under due authority.

(3) Any difference of opinion among the District Officers should be referred for settlement to the Commissioner, through the Conservator. The decision of the Commissioner should be regarded as final.*

238. Charcoal is not excluded from the definition of "forest produce" which is not exhaustive, and His Excellency in Council considers that charcoal may fairly be considered forest produce for the purposes of the Act.†

Charcoal is a forest produce.

* Government Resolution No. 9846, dated 15th December 1892.
Government Resolution No. 6708, dated 11th September 1883.

Section 242, page 145.

Mark with two asterisks the line “ (i) Kanara Forest Privilege Rules ” and *add* the following to the foot note :—

Government Resolution No. 6079, dated 27th June 1911, Revenue Department.”

VI. Privileges.

D. MINOR FOREST PRODUCE—concluded.

239. What constitutes "forest produce" is clearly laid down in the definition of that term as given in paragraph 2 of the Indian Forest Act. Loose stones and the ruins of old buildings whether composed of cut stone or bricks clearly do not come within the category of articles included in the definition of forest produce.*

Stones and bricks from ruins situated in reserved forests are not "forest produce."

240. The concession granted to the Public Works Department exempting that Department from payment of fees for stone obtained for public purposes from quarries situated in lands included within reserved forests may be extended to the Local Funds Department and Municipalities, provided the permission of the Divisional Forest Officer is first obtained in each instance.†

241. Thorns from Government forests required for fencing roadside trees, both on Provincial and Local Fund roads, should be granted free of payment. The sanction of Government Thorns to be supplied free to the Provincial and Local Funds. in each case is not needed.‡

E. Rules regulating special privileges in various districts.

Thána:

NOTE.—For rules regulating the collection of wood-ash material in Thána read sections 206 and 206a, Standing Orders, Forests.

(i) Kánara Forest Privilege Rules.

242. I. The undermentioned privileges may be exercised free of charge to the extent and solely for the purposes indicated in each case if *bonâ fide* required for the said purpose and not for trade, sale or barter, but their exercise shall be restricted to actual cultivators of land situated in villages in which there is unorganized Reserved Forest open to such privileges, or for the use of which such forest has been or may be set apart :—

A.—Privileges the exercise of which is permitted only in such areas of unorganized Reserved Forest as are open, or may from time to time hereafter be notified as open, to the exercise of such privileges.

(a) The collection and removal by headloads only of fallen dead-wood of unreserved trees for domestic purposes, but not for the manufacture of *jâgri*.

(b) The removal of clay and stones for agricultural purposes from places appointed in this behalf by the Divisional Forest Officer, in such cases as are not sufficiently provided for by rule 3 *infra*.

(c) The cutting or collection and removal of canes, creepers other than *shige* and all other articles of minor forest produce except such as may be specially reserved from time to time by the Forest Department with the approval of the Collector.

* Government Resolution No. 1802, dated 28th March 1881.

† Government Resolutions No. 1802, dated 28th March 1881; and No. 6139, dated 6th September 1882.

‡ Government Resolution No. 7740, dated 25th September 1885.

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued.*

(d) The cutting and removal of thorns and brushwood including all bushes, shrubs and all ligneous growths which do not become timber trees. for dams and fencing.

(e) The cutting and removal of bamboos for domestic and agricultural purposes.

(f) The cutting and removal of unreserved trees, provided that

(i) the stools of all trees cut in accordance with this privilege must be trimmed level with the ground and that care must be taken that there is no unnecessary waste of material ;

(ii) any expenditure that may be incurred by the Forest Department in rectifying the results of any neglect to comply with the terms of proviso (i) shall be recoverable from the inhabitants of the village or villages concerned ;

(iii) the exercise of this privilege shall not be allowed within 132 feet (2 chains) of the banks of any river or of any *ndla* which contains water throughout the year.

2. For the purpose of rule 1 the term "unreserved trees" means and includes all species except the following :—

1. Teak, *Tectona grandis*.
2. Sandalwood, *Santalum album*.
3. Blackwood, *Dalbergia latifolia*.
4. Ebony, *Diospyros assimilis*.
5. Balghe, *Vitex altissima*.
6. Karimutal, *Ougenia dalbergioides*.
7. Shiwani, *Gmelina arborea*.
8. Hirda, *Terminalia chebula*.
9. Khair, *Acacia catechu*.
10. Honi, *Pterocarpus marsupium*.
11. Jhall, *Shorea talura*.
12. Matti, *Terminalia tomentosa*.
13. Nandi, *Lagerstrœmia microcarpa*.
14. Phanas, *Artocarpus integrifolia*.
15. Wonte, *Artocarpus lakoocha*.
16. Bokli, *Mimusops Elengi*.
17. Heddi, *Adina cordifolia*.
18. Sagdi, *Schleichera trijuga*.
19. God Hunshi, *Albizzia odoratissima*.
20. Holi Matti, *Terminalia Arjuna*.
21. Sampige, *Flacourtia montana*.
22. Haiga, *Hopea Wightiana*.
23. Manjuti, *Adenanthera pavonina*.
24. Kajri, *Strychnos Nuxvomica*.
25. Surhonni, *Calophyllum tomentosum*.

Section 242, page 146.

Insert between the words “trees” and “provided” in No. 1 (f) the following :—

“For the construction and repair of huts, cattle-sheds, dams, agricultural implements, chappars and mandaps for dressing betel-nut.” (Government Resolution No. 10386, dated 6th November 1911, Revenue Department).

Page 146, Section 242.

Add the following clause :—

(g) The lopping and removal of leaves of unreserved trees ('Soppu') in the areas assigned for that purpose, by the inhabitants of the talukas of Ankola, Kumta and Honavar and the Bhatkal Petha, for the use of gardens, rice lands and manure pits, subject to the following conditions :—

- (i) That lopping will be according to the rotation fixed for groups of villages and notified to the villagers ;
- (ii) Trees of less than 12 inches girth at breast height shall not be cut, lopped or in any way injured or interfered with, nor shall the leading shoot of any tree of less than 36 inches girth at breast height be cut ;
- (iii) The branches lopped shall not exceed 6 inches in circumference or 2 inches in diameter, *i. e.*, those thicker than a man's wrist shall not be lopped ;
- (iv) Lopping shall be strictly limited to the period from 1st August to the 30th of September ;
- (v) This permission to take Soppu shall not be used as a cloak to cut and take away green firewood ;

provided that the Collector may, when necessary, in consultation with the Forest Officers,

- (1) exclude from reservation any of the reserved trees ;
- (2) extend the period herein allowed for lopping Soppu.

Page 145.

Add the following to foot-note '**' :—

Government Resolutions, R. D., Nos. 10386, dated 6th November 1911, 7456, dated 11th August 1913, and

Government Order, R. D., No. 5797, dated 9th June 1916.

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued.*

3. The occupants of rice and garden lands may cut and clear undergrowth and brushwood within a strip of the forest land adjoining their cultivation, the limits of which shall be fixed by the

B.—General.

Divisional Forest Officer, provided (i) that generally the average minimum width of such strip shall be 44 yards, (ii) that the exercise of this privilege shall not be allowed in Kans, (iii) that this rule shall not be applicable to any land assigned for *betta* or *ben*, (iv) that the land to be cleared has first been demarcated in accordance with the directions of the Divisional Forest Officer or other officer deputed to give effect to the provisions of this rule, (v) that in cases where the cultivated area consists of a number of occupancies only some of which adjoin forest land the occupants may exercise this privilege jointly or according to such agreement as they may make among themselves, save in any portion of such forest land which may be separately demarcated and assigned to any individual in consideration of the payment of assessment.

Such occupants may, if they wish, enclose the demarcated area with a fence, ditch or wall, and they may erect on that area cattle-sheds, sugar-mills or other temporary buildings connected with their agricultural requirements, but they must not use any portion of the area, not specially assigned and assessed for such purpose, for cultivation. They may lop *trees* standing in the area for cattle bedding and manure (but shall not fell any tree without permission). They may also remove from the area clay and stones for agricultural purposes.

4. *Bonâ fide* cultivators may free of charge
- (i) collect and remove dead leaves for manure ;
 - (ii) cut and remove grass for fodder or manure ;
 - (iii) cut and remove *kârvi* (*Strobilanthes*) for agricultural purposes ;
 - (iv) cut and remove with the previous permission of the Round Officer barren sago and other palms for water-courses and other agricultural purposes ;

from any reserved forest in their villages or in the neighbourhood of their villages.

5. Whenever the Collector is of opinion that all or any of the privileges conferred by these rules have been or are being abused to such an extent as to justify the suspension or restriction of the exercise of such privileges, or in the event of refusal to pay any sums recoverable under the terms of proviso (ii) to rule 1 (f), he may suspend, or impose such restriction on, the exercise of all or any of such privileges for such time as he may think proper.

(ii) *Kánara Forest Permit Rules.*

1. Any application
- (a) if presented in writing,
 - (b) to a Forest Officer not lower in rank than a head guard in charge of a *nâka*,

Page 147.

Insert the words "except sandalwood trees" after the word "brushwood" in line 2 of paragraph 1 and after the word "trees" in line 5 of paragraph 2 of rule No. 3.

Add the following to the foot-note ** on page 145 :—

and Government Order, R. D. No. 12913, dated 23rd December 1914.

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued.*

- (c) by an inhabitant of the Kánara District,
- (d) between 1st June and 1st November,
- (e) for forest produce not obtainable by the applicant under the Kánara Privilege Rules, and
- (f) specifying

- (i) the kind and quantity of forest produce required, and

- (ii) that such produce is required either for the applicant's own use or for a purpose for which application may be granted under the provisions hereinbelow contained, may, subject as regards the area from which the forest produce may be taken to such orders as the Divisional Forest Officer may from time to time make in this behalf, be granted

- (a) if the forest produce is not timber and does not exceed Rs. 10 in value, by a head guard in charge of a *náka*,

- (b) if the forest produce does not exceed Rs. 50 in value, by the Range Forest Officer, and

- (c) in any other case, by the Divisional Forest Officer :

the Forest Officer empowered to grant the same is satisfied

- (a) that the application is not unreasonable, or that a reasonable time has elapsed since the applicant last obtained forest produce of the same description,

- (b) that the produce applied for cannot be conveniently obtained by the applicant from a *depôt* or at an auction or otherwise,

- (c) that the produce is *bonâ fide* required by the applicant for any of the following purposes and not for trade, manufacture, sale or barter—

- (i) his own private use,

- (ii) works of public utility, such as village *chaukis*, schools, *dharmshálds*, bridges, covers to or fencing round wells, and repairs to religious edifices,

- (d) that the applicant, if the application is for timber, has not on his own estate trees other than fruit trees suitable for his requirements, if the produce is required for his private use,

- (e) that the timber applied for is not that of trees of any of the following species, *viz.* :—

Teak, Sagwan or Tegu, *Tectona grandis*.

Blackwood, Bitti or Shisham, *Dalbergia latifolia*.

Honi, *Pterocarpus marsupium*.

Poon Sur-Honi, *Calophyllum tomentosum*.

Sandalwood, Gandhadamara or Chandan, *Santalum album*.

Ebony, Abnus or Karimara, *Diospyros assimilis*.

Shiwani, *Gmelina arborea*.

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued.*

Matti, *Terminalia tomentosa*.

Balge, *Vitex altissima*.

Karimtal, *Ougenia dalbergioidis*.

Jhall, *Shorea Talura*.

Nana, *Lagerstræmia microcarpa*.

Wonte, *Artocarpus Lakoocha*.

Sampige, *Flacourtia montana*.

2. An application presented at any time other than the period between 1st June and 1st November may be granted by an officer empowered as aforesaid in any case which he is satisfied is emergent.

3. The payments to be made by persons to whom permits for forest produce are granted under this rule shall be at the rates specified in the schedule annexed to these rules, and shall be made at the nearest treasury on *chalans* supported by the Range Forest Officer or his head clerk.

4. On depositing 25 per cent. of the total amount payable under this rule for the forest produce granted to him thereunder, the applicant shall be entitled at any time between 1st November and 30th May, or, in cases in which the officer empowered considers emergent, at any other time, to receive a written permit from the officer empowered to grant the application, which shall

(a) specify the area from which the forest produce granted may be taken ;

(b) describe the trees, if any are to be cut, by their

(i) situation,

(ii) number,

(iii) kind,

(iv) maximum diameter at breast height,

(v) marks made on the timber under the orders of the Range Forest Officer ;

(c) fix the period for which the permit is granted ; and

(d) authorize the applicant to cut or collect, as the case may be, from the area therein specified, the produce therein described within the period so fixed.

5. The Divisional Forest Officer is authorized to sanction applications to cut timber of any of the trees mentioned in Rule 1 (e) at the rates which may be fixed from time to time by the Collector in consultation with the Conservator, subject to the conditions laid down in Rule 1.

6. The purchase money payable under Rule 3 may be remitted in whole or in part if the timber is required for any of the following purposes :—

(a) Works of public utility, such as village *chaukis*, schools, *dharmshālds*, public bridges, covers to or fencing round public wells, and repairs to religious edifices not the property of individuals ;

NOTE.—Except in very special circumstances no remission is to be granted under this rule in respect of Local Fund works as the District Local Board is allowed a subsidy in cash in lieu of such remissions.

After "Sampige, *Flacourtia montana*" in rule 1 (e) add :—

"Hebbalsu or Patphanas, *Artocarpus hirsuta*." (Government Resolution

No. 7456, dated 11th August 1913, Revenue Department).

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued.*

(b) Construction or repair of agricultural implements ;

(c) Re-construction or repairs of houses injured or destroyed by fire, flood or any sudden calamity if the houses so injured or destroyed belong to persons paying revenue to Government or their tenants or to lowly paid Government servants or others satisfying the granting officer that they are unable to provide for themselves ;

(d) Construction of houses which Government servants may be obliged to erect in consequence of their being stationed at Revenue or Police Stations where there is not sufficient house accommodation ;

(e) In cases of extreme distress or poverty not coming under the above heads.

Purchase money may be remitted by the following officers :—

(a) up to Rs. 50 by the Divisional Forest Officer ;

(b) up to Rs. 100 by the Collector and Conservator of Forests ;

(c) above Rs. 100 up to Rs. 200 by the Commissioner.

The amount remitted and the number and date of the order granting the remission shall be noted on the back of the permit by the officer who issues the permit.

7. (1) Every permit granted under these rules for the cutting of trees shall be subject to the condition that no portion of the trees cut shall be removed by or on behalf of the holder of the permit unless and until

(a) he has reported that the trees have been so cut to the head guard in charge of the *ndka*,

(b) the wood cut has been measured and stamped by a Forest Officer appointed by the said head guard in this behalf, and

(c) the wood has been fully paid for at the rates under this rule prescribed according to the measurement of the officer appointed as aforesaid.

(2) Every other permit granted under these rules shall be subject to the condition that the balance of the payments required under these rules to be paid in respect of the forest produce thereby granted shall be paid before any of such forest produce is cut or collected.

(3) On reasonable cause shown by a holder of a permit for delay the Divisional Forest Officer may, at his discretion from time to time, extend the period for which the permit was granted.

Schedule referred to in Rule 3 of the Kánara Forest Permit Rules.

1st Class, at Rs. 3 per khandi of 12·5 cubic feet.

1. Phanas, *Artocarpus integrifolia*.
2. Jamba, *Xylia dolabriformis*.
3. Mashī or phudgus, *Alseodaphne semicarpifolia*.
4. Nanja or Bokli, *Mimusops Elengi*.

Section 242, page 151.

After “ 23 Moha or Ippi, Bassia longifolia ” *add* the following :—

“ 24. Bobbi or Irai, Calophyllum whightianum.”

(Government Resolution No. 7456, dated 11th August 1913, Revenue Department).

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued*.

5. Heddi, *Adina cordifolia*.
6. Sagdi, *Schleichera trijuga*.
7. Kavanchi, *Bridelia retusa*.
8. Kalamb, *Stephegyne parvifolia*.
9. Godhunshe, *Albizzia odoratissima*.
10. Siris, *Albizzia Lebbek*.
11. Belati, *Albizzia procera*.
12. Kharsing or Gensu, *Stereospermum xylocarpum*.
13. Hongal or Kibul, *Terminalia paniculata*.
14. Holí Matti, *Terminalia Arjuna*.
15. Dadsal, *Grewia tiliæfolia*.
16. Dindal, *Anogeissus latifolia*.
17. Womb, *Saccopetalum tomentosum*.
18. Devdar lal, *Chikrassia tabularis*.
19. Devdar pandra, *Cedrela Toona*.
20. Haiga or Kabsi, *Hopea Wightiana*.
21. Manjuti, *Adenanthera pavonina*.
22. Mhowra, *Bassia latifolia*.
23. Moha or Ippi, *Bassia longifolia*.

2nd Class, at Re. $1\frac{1}{2}$ per khandi of 12·5 cubic feet.

All trees not reserved under Rule 1 (e) or entered under the other trees classes.

3rd Class, at Re. 1 per khandi of 12·5 cubic feet.

1. Amte, *Spondias mangifera*.
2. Atti or Umbar, *Ficus glomerata*.
3. Banyan, *Ficus bengalensis*.
4. Basri, *Ficus infectoria*.
5. Goli, *Ficus mysorensis*.
6. Pipal, *Ficus religiosa*.
7. Savri, *Bombax malabaricum*.
8. Jermala, *Tetrameles nudiflora*.

(iii) Rules regulating forest privileges in the North and South Tápti Forests of East and West Khándesh Districts.*

East and West Khándesh
Privilege Rules.

242a. 1. For the purposes of these rules North Tápti villages include those comprised in the—

Taloda Táluka.
Sháháda „
Chopda „
Shirpur „
Yával „
Ráver „

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued.*

Navápur Petha of the Nandurbár Táluka.
Deomogra Reserve in the "
The village of Umarpáta in the Sákri Táluka.

2. In North Tápti Tálukas all permanent inhabitants of villages which have contributed land to forest shall have the privilege of—

(1) free grazing for their own cattle ;

NOTE.—This does not apply to professional graziers.

(2) cutting and removing grass including baru from open forest, or such portions of closed forest as the Divisional Forest Officer may permit ;

(3) collecting dead-wood other than teak, khair and tiwas from open forest, or such portions of closed forest as the Divisional Forest Officer may permit ;

(4) removing earth and stone from places assigned by the Divisional Forest Officer ;

(5) and taking teak leaves,

when the same are required for their own use ;

(6) in addition to the above, Bhils and other wild tribes being permanent inhabitants of villages, which have contributed land to forest, are granted the privilege of collecting for sale or barter, dead-wood of any but the three reserved kinds, on payment of two annas per headload, from open forest or such portions of closed forest as the Divisional Forest Officer may permit.

(iv) *South Tápti Privilege Code of the Khándesh Collectorate.*

Khándesh South Tápti
Privilege Code.

243. The following is the code of rules regarding the exercise of privileges in the forests of the South Tápti Tálukas of the Khándesh Collectrates :—

1. The South Tápti Tálukas include—

Bhusával Táluka (with Edlabad Petha).

Jámner "

Jalgaon "

Erandol "

Amalner " (with Párola Petha).

Páchora " (with Bhadgaon Petha).

Chálisgaon "

Dhulia "

Sindkheda "

Nandurbár " (with the exception of the Deomogra Reserve and the Navápur Petha).

Sákri " (with the exception of the village of Umarpáta).

Page 152, Section 243.

Omit the main heading :—

‘(iv) South Tapti Privilege Code of the Khandesh Col-
lectorate’

and the marginal heading—

‘Khandesh South Tapti Privilege Code’ and for the first two
sentences, *viz.* :—

“ The following is the Code * * * *

* * * Khandesh Collectorates :—

and

“ 1. The South Tapti Talukas include ”

Substitute the following :—

3. South Tapti villages include those comprised in the —.

Page 153.

In rule 4 in the 4th and 5th lines, *for* the words—

“ Of Government regarding the term of the suspension or the permanent withdrawal of the privileges abused”

substitute the words—

“ Of the Commissioner regarding the term of suspension and of Government in case the permanent withdrawal of the privileges proposed ”*

Delete rules 5 and 6 and renumber the rules 2, 3 and 4 as 4, 5 and 6, respectively.

Add the following foot-note —

*Government Order, Revenue Department No. 4882 dated 18th April 1917.

VI. Privileges.

B. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued.*

2. In South Tápti Tálukas permanent inhabitants of villages, which have contributed land to forest, have the following privileges :—

(1) cutting and removing grass including baru from open forest, or such portions of closed forest as the Divisional Forest Officer may permit ;

(2) collecting dead-wood other than teak, khair and tiwas in such forests as the Divisional Forest Officer may permit ;

(3) removing earth and stone from places assigned by the Divisional Forest Officer ;

(4) and taking teak leaves,

when the same are required for their own use.

3. Throughout Khándesh, Bhils, Vanjáris and other wild tribes may—

(1) cut and remove grass including baru,

(2) take leaves other than Anjan,

for their own use, sale or barter from open forest or such portions of closed forest as the Divisional Forest Officer may permit.

NOTE.—Where a monopoly has been granted of grass or leaves, sale can only be permitted to the monopolist.

(3) remove other minor produce in such quantities and on such conditions as the Collector and Divisional Forest Officer jointly may permit.

4. The Collector may suspend, until further orders, the exercise of any of the foregoing privileges on his being satisfied that it is being abused or that an offence under section 78 of the Indian Forest Act has been committed, and shall then obtain the orders of Government regarding the term of the suspension or the permanent withdrawal of the privileges abused.

5. Wood required for ploughs or houses and firewood shall, subject to the capability of the forest to furnish such wood and to the working of the working-plan, be supplied by the Forest Department on application at rates to be fixed by the Forest Department, with the approval of the Commissioner, to inhabitants of forest villages from the block to which such villages contribute ; or if the Forest Department is unable to meet the application from its own fellings, the applicant may, at the discretion of the Divisional Forest Officer under the orders of the Collector, be granted, on payment of fees at a scale to be fixed by the Forest Department, with the sanction of the Commissioner, a permit to cut under the supervision of the Forest Officers specified quantities of specified trees in specified places for his own use only for the purpose named in the permit.

6. Under section 78 of the Forest Act all persons enjoying privileges in forest are bound—

(a) to give information respecting the commission of any forest offence,

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued*.

(b) to assist Government officers in extinguishing forest fires and in preventing theft, mischief and other forest offences, and in discovering and arresting offenders.*

243a. The rules† quoted in column 3 empower the Collector to suspend the

Suspension of forest privileges under the North and South Tápti Code.

exercise of any forest privilege under the rules, if he thinks that it has been abused or that an offence under section 78 of the Indian Forest Act has been committed, subject to the condition that the period of suspension should be fixed with the sanction of Government. The Governor in Council is now pleased to authorise the Commissioner, C. D., to fix the period in all cases of temporary suspensions. When a privilege has to be permanently withdrawn, the previous sanction of Government should be obtained. Nos. 10 and 8 of the North and South Tápti Privilege Code Rules should be altered as shown below :—

"The Collector may suspend until further orders the exercise of any privilege on his being satisfied that it is being abused or that an offence under section 78 of the Indian Forest Act has been committed, and shall then obtain the orders of the Commissioner regarding the term of suspension and of Government in case the permanent withdrawal of the privilege is proposed."

(v) *Special rules regulating the enjoyment of certain rights.*

Rules regulating enjoyment of rights in Sávda, Chopda and Shirpur Tálukas of Khándesh.

244. The following rules regulate the exercise of certain rights granted to certain Bhils over the reserved forests of the Sávda, Chopda and Shirpur Tálukas :—

(a) *Sávda and Chopda Talukas, Khandesh.*

Right to cut wood.

- (1) The persons specified in the register mentioned in Rule 6 below and members of their households shall be entitled, subject to the limitations there stated against their names, to cut for all purposes all but the nine kinds of trees noted below :

Sávda and Chopda Tálukas only.

Teak, blackwood, anjan, khair, tiwas, babul, mhowra, chároli, mango.

(2) Such right shall be exercised in all parts of the reserved forest (as constituted prior to 1883), except—

(a) in such areas as may be closed by the Collector after consultation with the Divisional Forest Officer,

(b) in the months of March, April and May.

(3) Every right holder shall be supplied by the Forest Department with a ticket bearing a serial number and showing his name and nature of the right to which he is entitled.

* Government Resolution No. 5019, dated 18th July 1890.

† Government Resolution No. 8885, dated 3rd October 1910.

Page 154.

Delete clause (b) of rule 6.

Substitute for the whole of the existing Section 243a the following—

“Temporary withdrawal
of privileges.

243a. The Commissioners of Divisions are authorised to order temporary withdrawals of forest privileges.†

Delete the foot-note :—* .

* Government Resolution No. 5019, dated 18th July 1890.

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—continued.

(4) Before going into forest with a view to cutting trees in the exercise of his rights, a right holder shall apply to the Forest Depot Officer for a permit, which the latter shall be bound to supply to him on payment of such fees as may be settled by the Collector after consultation with the Divisional Forest Officer.

NOTE.—The fees to be enforced for the present shall not exceed those now in force for the general public.

(5) The transit of all timber obtained under these rules shall be regulated by the rules under section 41 of the Indian Forest Act.

(6) A register shall be kept by the Divisional Forest Officer showing the names of all persons entitled to cut timber or to the enjoyment of other rights under these rules; such register shall be corrected up to date at least once in every twelve months.

NOTE.—The head of each resident household directly descended from an original grantee, person or family only need be entered in the register. No attempt should be made to limit heirship to lineal male descendants or any other particular class.

(b) Chopda Taluka, Khandesh.

Right to gather mhowra.

(7) The persons specified in the register mentioned in Rule 6 shall be entitled to gather mhowra blossom and flower for all purposes, free of charge, *subject to Rules 2 and 3.*
Chopda Taluka only.

(c) Shirpur Taluka, Khandesh.

Right to gather firewood.

(8) The persons specified in the register mentioned in Rule 6 shall be entitled to collect, for firewood for their own use only, dead-wood of all kinds except teak, tiwas and khair, free of charge, *subject to Rules 2 (a), 3 and 4.*
Shirpur Taluka only.

Right to building material.

(9) The persons specified in the register in Rule 6 shall be entitled to cut free of charge all trees, except the following nine kinds, for the purpose of building huts for their own use :—teak, blackwood, anjan, khair, tiwas, babul, mhowra, charoli, mango, *subject to Rules 2 (a), 3 and 4.*

(10) Any person wishing to exercise this right shall apply to the Range Forest Officer, stating the nature and quantity of the wood required, the latter, after satisfying himself that the wood is required for the applicant's own use and for the object stated, shall grant him the necessary permission to cut the wood.

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*continued.*

Collection of minor forest produce.

(11) The persons specified in the register mentioned in Rule 6 shall be entitled to gather, free of charge, for all purposes such of the following articles of jungle produce as may be shown against their names in the said register :—honey, wax, gum, lac, tembru fruit, safed musale, mhowra flowers, mango and tamarind, *subject to Rules 2 (a) and 3.*

Right to grazing.

(12) The persons specified in the register mentioned in Rule 6 shall be entitled to graze, free of charge, the number of cattle shown against their names in the register, *subject to Rules 2 (a) and 3.*

(13) The Collector may suspend for a period not exceeding 12 months the exercise of any right on his being satisfied that it is being abused or that it leads to an offence under section 78 on the Indian Forest Act being committed.

(14) The ticket issued under Rule 3 shall be non-transferable; any right holder, fraudulently transferring his ticket to another person, shall be liable to be dealt with under Rule 13.

NOTE.—The rights to be exercised under these rules must be held to exist only in the forest lands with which Messrs. Pollen and Woodburn actually dealt.*

244a. Government agree with the Commissioner that a contract, properly worked, will be of benefit to the forest villagers. They consider, however, that if there is to be a monopoly there ought to be a condition as to a minimum price to be paid by the contractor to the grass cutters for grass brought to his depôts. It may be difficult to enforce a minimum price, but if there is no such condition it would not be possible to justify a monopoly. Government are also of opinion that there should be a condition regarding the supply to Government of any grass required for famine fodder operations and the Conservator should frame such a condition in consultation with the contractor subject to these orders the sale by auction of the right to remove grass from the Navápur Range and the Deomogra reserve of the West Khándesh District is sanctioned. (Government Resolution, Revenue Department, No. 8941, dated 2nd September 1908.)

244b. The farming of the right to purchase from the Bhils apta and tembhurni leaves in the East and West Khándesh Districts is sanctioned, provided a minimum price to be paid by the farmer is fixed. (Government Resolution, Revenue Department, No. 9429, dated 17th September 1908.)

244c. The following instructions for the regulation of the concession of collecting anjan leaves granted in times of famine and for the prevention of its abuse are

* Government Resolution No. 2042, dated 18th March 1893.

Insert the following under section 245.

Section 245A.—To secure better protection of the Satpura Forests Bhil Settlements at (i) Satrasan, (ii) Umarti, (iii) Karanje, (iv) Deozari in the Forests of the Chopda Range of the East Khándesh Division have been sanctioned. Twenty-three families of Bhils and two Forest Guards at each of these Settlements have been established and put in possession of 10 acres of land each. Twenty-five plots have been made available for the above purpose from the forest area.*

* Government Resolution No. 10977, dated 2nd December 1910.

VI. Privileges.

E. RULES REGULATING SPECIAL PRIVILEGES IN VARIOUS DISTRICTS—*concluded.*

sanctioned by Government and are applicable to the anjan forest of any village approved by the Commissioner, C. D., in any district of his division :—

- (I) The concession of collecting anjan leaves in Government forests is useful for saving cattle during scarcity of fodder and should be granted in times of famine under certain restrictions.
- (II) The Collector of the district should, on the recommendation of the Divisional Forest Officer, prohibit the gathering of the leaves in any forest, the injury to which, from the gathering, would, in the opinion of the Collector, be so serious as to outweigh the advantage of the concession to the people and their cattle.
- (III) The concessionaires should only be allowed to pull off the leaves and that tearing down, cutting or sawing of branches, so as to get at the leaves, should be prohibited.
- (IV) During the period the concession is in force the carrying of cutting or sawing instruments in forests, except along rights of way, without the permission of an officer, authorized by the Divisional Forest Officer, should be prohibited.
- (V) The privilege should, with the joint approval of the Collector and Divisional Forest Officer or if they do not agree, with the approval of the Commissioner, be withdrawn from any person or village.
- (VI) Without the special sanction of Government the concession should not be allowed before the 1st October or after the 1st April and that subject to this proviso the agreement of the Collector and the Conservator should be sufficient warrant for granting the concession, and in case of disagreement the subject should be referred to higher authority.
- (VII) One or two gangs of guards (say a Round Guard and four Beat Guards to a gang) should be told off in each Range to do nothing else but go in company together from forest to forest to prevent the breaking and cutting of branches, to apprehend offenders and to report at once when any considerable damage is found in any forest ; that in any case in which such considerable damage is found the village officers should be reported *at once* to the Collector for punishment, if they have not themselves reported the damage, and that if the Divisional Forest Officer thinks necessary he should also request the Collector to authorize the concession in the village to be stopped at any rate for a month or two. (Government Resolution, Revenue Department, No. 8234, dated 25th November 1901.)

NOTE.—The Commissioner, C. D., is authorized to grant with the concurrence of the Conservator, C. C., the concession of removing anjan leaves in times of famine between 1st April and 30th September.*

245. It was never intended that free grants of wood should be made to men whose resources would enable them without much difficulty to purchase it.†

* Government Resolution No. 8885, dated 3rd October 1910.

† Government Resolution No. 1771, dated 15th March 1882.

VII. Free Grants.

VII. FREE GRANTS.

✓ 246. His Excellency the Governor in Council, having had the question of free grants of timber in various districts of the Presidency under consideration and having ascertained the great diversity of practice which exists, is pleased to issue the following orders for the guidance of District Officers :—

Objects for which free grants may be made.

The objects for which free grants may usually be made are :—

(1) the relief of poor people whose houses have been destroyed either by fire or flood ;

(2) in special cases the construction of dwellings where members of wild tribes or new settlers are too poor to purchase wood ;

(3) agricultural purposes in cases in which it is satisfactorily shown that such grants are absolutely necessary.*

NOTE.—The rest of this Government Resolution is cancelled by Government Resolution No. 21, dated 6th January 1903.

Limitation of powers of various officer to sanction free grants.

✓ 247. (1) Divisional Commissioners may sanction free grants to any one person to a value not exceeding Rs. 100.

(2) Collectors in the Presidency Proper (except the Collector of Kánara) may sanction free grants to any one person to a value not exceeding Rs. 50.†

(3) Divisional Forest Officers may sanction free grants to any one person to a value not exceeding Rs. 20.‡

(4) Commissioners of Divisions may sanction free grants of timber up to the value of Rs. 100 to the Táluka Local Boards for improvement of local communication in bridging nalas, water-courses, etc.*

(5) Commissioners may also sanction free grants of timber up to the value of Rs. 100 in each case for repairs and construction of village school-houses.§

248. The orders given in section 247 do not apply to Sind, where cultivators have the privileges of cutting wood on waste lands, and where only, in special cases, such as a whole village being burnt down, the Commissioner sanctions a free grant of wood, when necessary. This practice was confirmed in Government Resolution No. 5977, dated 12th November 1880, and again recognized by Government Resolution No. 1051, dated 15th February 1887.¶

Exception to rules given in section 251. They do not apply to Sind or Kánara.

* Government Resolution No. 1051, dated 15th February 1887.

† Government Resolution No. 21, dated 6th January 1903.

‡ Government Resolution No. 1662, dated 2nd March 1897.

§ Government Resolution No. 4073, dated 31st May 1895.

Section 249, page 159.

For "Rs. 5,000" read "10,000" in clause (1) and the following "to the last clause after the words "in any one case" "Local Government may also delegate to any selected officer or class of officer in charge of a Forest Division the power to make free grants of forest produce up to a limit of Rs. 250 in any one case." (Vide Article 58 of the Forest Department Code, 7th Edition.)

NOTE.—The Conservators and Deputy Conservators of Forests in charge of Circles are authorized to sanction the grants for the purposes mentioned in clauses (2) and (3) up to the limits specified therein and the Deputy Conservator of not less than 10 years' service up to Rs. 100 for the same purposes. A report of the grants made should be submitted to Government by 1st August each year in the subjoined form.* Grants for the purposes stated in clause (1) continue to require the sanction of Government.

Statement of Free Grants, &c., of Forest Produce sanctioned by the Conservator of Forests, Circle, during the Year ending 31st July 191, vide Government Resolution No. 8885, dated 3rd October 1910, R. D.

Name of Grantee and Residence.	Locality.	Purpose for which granted.	PRODUCE GRANTED.				Remarks.
			Description.	No. or quantity.	Value.	Whether free or at favourable rates.	
1	2	3	4	5	6	7	8

Conservator of Forests,
Circle.

(Government Resolutions Nos. 7324, dated 25th July 1907, and 8885, dated 3rd October 1910, Revenue Department).

VII. Free Grants.

Special grants for Railways, Tramways, Village Communities, Public Bodies, Departments of Government, etc.

249. Special grants of timber or other forest produce, free or at favourable rates, for specific purposes, require the sanction of the Government of India if they exceed the following values :—

- (1) For the construction of large works of public utility, such as railways, tramways, and the like—Rs. 5,000.
- (2) To Village Communities, Public Bodies, Departments of Government, or sections of the Community in their collective capacity—Rs. 1,000.
- (3) In other cases—Rs. 500.

Within these limits, and subject to the principles laid down in Circular No. 8-F, dated 21st May 1895, such grants may be sanctioned by the Local Government; but all concessions of whatever value made under (1) for the construction of railways or tramways must be reported at once to the Government of India. The Local Government may delegate to the Conservator the power of sanction (subject to the above limits) up to the value of Rs. 1,000 in any one case.*

249a. The Conservators and Deputy Conservator of Forests in charge of Circles are authorised to sanction the grant (a) to Village Communities, Public Bodies, Departments of Government, or sections of the community in their collective capacity up to Rs. 1,000, and (b) in other cases up to Rs. 500.

A report of the grants made should be submitted to Government by 1st August each year in a tabular form. The Senior Conservator of Forests should be requested to prescribe the form in consultation with the other Conservators and the Deputy Conservator of Forests in charge of Circles.†

NOTE.—Grants of timber or other forest produce for the construction of large works of public utility, such as railways or tramways, continue to require the sanction of Government.

250. The powers granted by Government Resolution No. 1051, dated 15th February 1887, and Government Resolution No. 21, dated 6th January 1903, are restricted to talukas in which there is natural forest. And the whole intention of the system is to allow the population, and particularly the agricultural population dwelling in the vicinity of the forests, a privilege which can conveniently be exercised by them without material detriment to the public interests. It has never been contemplated that it should be incumbent on Government to give wood free by way of charity to members of any community whose houses may be destroyed. In cases of a great calamity Government may appropriately assist by grants of wood, but it is to be remembered that the grants made under the rules

* Government of India, Department of Revenue and Agriculture, No. 811-F, dated 21st May 1895, vide Government Resolution No. 4832, dated 27th June 1895.

† Government Resolution No. 8885, dated 3rd October 1910.

VII. Free Grants.

with regard to the powers of the several officers are restricted to the talukas and to the inhabitants of talukas in which there is forest.*

251. (1) The value of the wood specified in the rules is the value of the trees as they stand in the forest, and it is contemplated that grantees should make their own arrangements for felling and carrying the wood, as people living in the vicinity of the forest conveniently can do. The value of wood at depôts or in towns is a very different thing and varies according to distance from the forests. It would be impossible in any rules to make provision as to the limit of value of wood got at such places. If in any cases the persons to whom free grants of wood are made can appropriately get the wood at depôts within or close to the forest area or at departmental cuttings, there is of course no objection, but this is a matter for arrangement by the Forest Officers and not for regulation by rules.

(2) In the Southern Division when wood is given free for any purpose for use in outside districts the value of the free grant should be assessed on an estimate of the average auction-sale rates of the current year or the year previous according to circumstances. In Kánara and Belgaum the value should be calculated according to the seigniorage or royalty fees.

In the Northern Division the year's auction-sale rates in a district should be taken as the standard for calculating the value of free grants of wood which may be made therein.†

252. The value of free grants of wood is very much reduced by delay‡ on the part of the Forest Department in supplying timber. The Conservator will take care that there may be no complaints on this subject, and it will be the duty of the Collector to prevent any unnecessary delay.‡

253. There is no objection to the submission of recommendation for the grant of wood, free of charge, to agricultural labourers or sub-tenants of registered cultivators in special cases.§

254. In cases where the alienee has forest rights, the rayats of alienated villages should look to him for free grants of timber; in cases where the forest rights are vested in Government, there is no objection to allow them grants as if they were inhabitants of unalienated villages.||

* Government Resolution No. 1662, dated 2nd March 1897.

† Government Resolutions No. 2126, dated 12th April 1881; No. 3371, dated 11th June 1881; and No. 3707, dated 28th June 1881.

‡ Government Resolution No. 2331, dated 3rd May 1880.

§ Government Resolution No. 2614, dated 27th March 1885.

|| Government Resolutions No. 3752, dated 20th June 1887; and No. 5486, dated 18th August 1887.

VII. Free Grants.

255. Government have already directed in their Government Resolution No. 8130, dated 18th November 1886, that assistance in material may be given to forest guards, who construct huts for themselves within their beats or rounds. In their Resolutions Nos. 1051 and 1662, dated 15th February 1887 and 2nd March 1897, Government have sanctioned, under conditions, the grant of free timber to "poor people".

In the latter term, subordinates not of the Forest Department only but of all Government Departments are included if their circumstances bring them within the meaning of the term. These concessions are in the opinion of the Governor in Council sufficient for the legitimate needs of subordinates of the Forest Department.*

256. Government do not consider it necessary to compel the Postal Department to pay for the comparatively small quantity of wood which is apparently required by it for sheds for postal runners, torches, etc. Government, however, expect that the Commissioner and the Conservator of Forests will take all measures needed to prevent any abuse of the privilege on the part of the subordinates of the Postal Department and injury of the forests. The wood should be cut in such forests as the Forest Officers consider it may be cut in without injury, and it should be supplied to the Postal Department free of all charge except the expense incurred in cutting and removing it, the latter being arranged for by the Postal authorities themselves.†

VIII. SUPPLY OF TIMBER ETC. TO OTHER DEPARTMENTS.

257. All public departments should deal with the Forest Department as far as possible, but the latter should study the bazar rates in fixing their prices, of course charging for their timber according to quality. It is in no way, however, intended that the interests of other departments in the matter of general convenience, in which the question of cheapness is of course closely involved, should be sacrificed for the benefit of the forest revenues.

The Forest Department must attract, and not compel, custom even from other public offices.‡

258. It is incumbent on consuming departments to arrange with producing departments, in preference to any other agency, for the supply of their requirements, so long as they can get from the former all that they want.

* Government Resolution No. 1891, dated 18th February 1901.

† Government Resolutions No. 4061, dated 5th August 1880; No. 8812, dated 8th November 1884; and No. 1742, dated 28th February 1885.

‡ Government Resolutions No. 3021, dated 25th June 1872; and No. 4862, dated 1st October 1872.

VIII. Supply of Timber etc. to other Departments.

The Government of India neither compels producing departments to sell their productions at any particular price, nor consuming departments to purchase the same at any particular price. It will be to the advantage of the latter to give any price which is less than that for which they can obtain an equal service in the market; and it will be to the advantage of the former to take any price which covers the cost of production and is better than what could be realized by other means. Acceptable terms between these limits can, it is evident, only be arrived at by negotiation and agreement between the representatives of the two opposing interests.*

259. (1) The Forest Department shall charge other Government Departments for all vegetable or animal products extracted from a forest area in the same manner in which it charges the public; and it shall similarly charge contractors for all mineral products extracted by them whether in behalf of a Government Department or not. If a Government Department extracts mineral products for sale, they also will be charged for. But the Forest Department will not charge other Government Departments for mineral products extracted from a forest area by the direct agency of the Department concerned, under its own supervision and without the intervention of contractors or middlemen, for its own use and not for disposal to the public or other Departments. For such products the Forest Department will take no credit in the public (treasury) accounts of Government. But for statistical purposes the value of these products should be shown in the returns furnished by the Forest Department, just as the value of timber and other forest produce removed by free grantees or right holders is already shown.

(2) The ruling that certain forest products shall not be charged for if directly extracted by other Government Departments for their own use, in no way confers upon such departments any right of entry upon or of working in the areas under the charge of the Forest Department. That department retains its full powers of control; and, subject to the orders of superior authority, will continue to fix and limit the localities where such extraction may take place, and to impose any conditions which it may consider necessary for the safety of its forests and the convenience of its own work.

(3) The above rulings will apply, *mutatis mutandis*, to every class of forests or waste lands at the disposal of Government, independently of the agency by which such land may be administered.†

* Government of India, Department of Revenue and Agriculture, No. 1263-F, dated 31st December 1888, *vide* Government Resolution No. 716, dated 28th January 1889.

† Government of India, Department of Revenue and Agriculture, No. 13-63-2-F, dated 12th July 1897, *vide* Government Resolution No. 5792, dated 3rd August 1897.

VIII. Supply of Timber etc. to other Departments.

- 260.** Timber will be supplied by the Forest Department to the Public Works Department, on the submission of annual indents, at the rates realized by public auctions. For any further supply of timber the Public Works Department may require, they must compete with the general public.*

Timber transactions with the Public Works Department.

NOTE.—Read section 240 of Standing Orders, Forests, as regards the supply of stones, etc., free to Public Works Department.

- 261.** It is the wish of Government that all reasonable facilities should be furnished to the Public Works Department for securing direct from the Forest Department such timber as it may require.†

The Public Works Department should be given every reasonable facility.

Supply of timber to Local Funds.

- 262.** Timber required for Local Fund purposes must be paid for in the same way as that required by any other Department of Government.‡

NOTE.—Read sections 240 and 241 of Standing Orders, Forests, as regards stones and thorns required by the Local Fund being supplied free of charge.

- 263.** The Government of India are unable to lay down any rules for the Bombay Dockyard specially other than those which govern the supply of timber to the other Government Departments and the public generally. It is, therefore, considered necessary that the best course which the Dockyard should follow would be to obtain a price list from the Forest Department, and then buy the timber in the cheapest market. If at any time a special quality of timber is required, the assistance of the Forest Department may be sought, but in that case the Dockyard must be bound by their prices and measurements, a copy of the price list being submitted to the Government of India.§

Supply of timber to the Bombay Dockyard.

- 264.** Officers in command of regiments should be left to obtain what wood they require in the open market.||

Officers in command of regiments.

- 265.** The following notice by the Conservator of Forests, Northern Circle, was published for the information of the departments which are likely to indent on the Forest Department in the Circle for timber :—

Notice regarding the supply of timber in the Northern Forest Circle.

- (1) The Northern Circle of the Forest Department keeps no timber in stock at depôts, so that no seasoned timber can be supplied at short notice.

* Government Resolution No. 3962, dated 20th August 1870.

† Government Resolution No. 3606, dated 26th May 1891.

‡ Government Resolution No. 1667, dated 22nd April 1869.

§ Government of India, Marine Department, No. 1662-S, dated 11th October 1879, *vide* Government Resolution No. 5688, dated 24th October 1879.

|| Government Resolution No. 2609, dated 1st June 1871.

VIII. Supply of Timber etc. to other Departments.

- (2) Teak fellings take place towards the end of the rains, but the timber cannot be delivered earlier than late in November or in December.
- (3) Departmentally cut timber is sold off as early as possible in the cold weather, so that timber indented for after 1st January would have to be felled specially for the department indenting for it, and no indent received after 15th May can be complied with till the next December.*

IX. PLAN OF OPERATIONS.

266. (1) An "Annual Plan of Operations" must be drawn up, in which the working of each forest for the year will be detailed. This Plan of Operations. plan will be framed for the forest year and it must be submitted to the Conservator with the Budget Estimates, or at such other time as may be prescribed by Government.

(2) Wherever a Working Plan has been framed, the Annual Plan of Operations must be based upon the provisions of the Working Plan. Where no Working Plan exists, and until such plan is made, the Annual Plan of Operations must be based on the general principles of forest conservancy; that is to say, the quantity of timber to be cut and of other material to be taken out of a forest must be fixed so as to secure the maintenance and improvement of the forest. Guided by these circumstances, the Annual Plan of Operations should provide for fellings, thinnings, export of forest produce, the grazing of cattle, protection against fire, and the execution of works of reproduction and improvement.

(3) When the Working Plans or Plans of Operations are framed, the provisions necessary for recognizing and supplying local requirements to the utmost point that is consistent with Imperial interests, in accordance with the principles laid down in Circular No. 22-F, dated 19th October 1894, should be embodied in them. The exercise of all rights that have been recorded at settlement will necessarily be provided for in these plans.†

266a. The Plan of Operations should not merely be a copy of the annual forest budget but should be so drawn up as to give the Plan of Operations not merely a copy of the annual budget. Collector of the District a clear idea of the operations proposed. The situation and area of each felling, whether cut departmentally or by contract for local supply or for export, are necessary details. The effect of each work upon the exercise of grazing and other privileges should be fully explained, and in case of any privilege being restricted proposals for providing adequate opportunity for exercise of the privilege must be given.‡

* Government Notification No. 9335, dated 25th November 1884.

† Section 82, Bengal Forest Department Code, 5th Edition.

‡ Government Resolution No. 3354, dated 25th April 1905.

IX. Plan of Operations.

Date of submission of the Plan of Operations.

267. Government orders regarding the submission of the "Annual Plan of Operations" given in Government Resolution No. 7107, dated 6th September 1892, are as follows :—

- (1) Every Divisional Forest Officer shall prepare and submit, before the end of June or middle of July in each year, the provisional Plan of Operations, which he proposes to carry out in the ensuing year in the area under his official charge, to the Collector of the District.

The Collector's duties in regard to the Plan of Operations.

- (2) The Collector shall—

(a) consider all plans submitted to him under the preceding rule, with special reference to any proposed closure of forest areas against grazing or other privileges, and shall see that due provision is made for local wants, and

(b) if he considers any such plans open to objection in such connection, shall return the same with any comments and for compliance with any directions he may make, to the officer by whom they may have been submitted.

- (3) The Collector shall forward to the Conservator of the Circle such plans as meet his approval.

Report to Collector of the commencement of the principal operations.

(4) Before commencement of each season, information as to the principal operations to be carried out in each district shall be communicated to the Collector thereof.

- (5) It shall be the duty of the Local Forest Officers to inform the Collector as to the places where any cuttings are to be made, or special protection needed, so that the Collector may notify, through his Assistants and other subordinates, to the local public of places—

The Collector should be informed of the locality of cutting grass, etc.

(a) Where supplies of wood, grass or hay, etc., may be obtained, and

(b) Where the grazing of cattle is prohibited or allowed.*

X. CLASSIFICATION AND CALCULATION OF VOLUME OF TIMBER ETC.

Classification of timber and firewood.

268. A schedule of classification of timber showing how to calculate its outturn in cubic contents :—

* Government Resolution No. 7107, dated 6th September 1892.

X. Classification and Calculation of Volume of Timber etc.

Timber.

Length. Feet.	Girth at butt end. Inch.s.	Designation.	Measurements reckoned in cubic feet.
6 and over	48 and over	Logs	Actual measurement.
12 and over	36 and under 48	Beams	11'5
"	24 " 36	Rafters I	4'5
"	18 " 24	Rafters II	2'25
"	9 " 18	Rafters III	0'75
6 and under 12	18 " 48	Posts I	2'5
"	9 " 18	" II	0'5
3 and under 6	9 and over	Butts	0'75
Any length	under 9	Jenties or Jiraiti pieces	0'25

Firewood, Charcoal, etc.

Quantity.	Firewood. Measurement reckoned in cubic feet.	Charcoal. Measurement reckoned in cubic feet.	Thorns. Measurement reckoned in cubic feet.
Stack	$\frac{1}{2}$ cubic measurement of stack.	...	...
Cart-load	25	40	10
Bullock-load	4	8	2
Ass-load	2'5	5	1'25
Head-load	1'5	3	75

269. The foregoing table is to be used for calculating the measurement of material removed from coupes sold standing; materials removed under Malki or Inamdars' passes; trees sold in malki numbers; material removed from Forest Dépôts in cases where actual measurement is not ordered to be taken; firewood and thorns removed under permits.

All timber and firewood brought to sale dépôts and all timber removed under free grants or on permit should be actually measured in accordance with the standing orders.

270. The following is a table prepared by the Working Plans Officer, Central Circle, for calculation of Volume of various classes of timber :—

Volume table.

CORRIGENDA

To the "Table for calculating the number of Cubic feet of timber" printed on pages 167—170 of II Edition of the Book of Standing Orders of the Forest Department, Bombay :—

For	66 cubic feet against	15 rafters I Class, read	66 $\frac{1}{4}$ cubic feet.
" 97	" " "	22 " " "	97 $\frac{1}{4}$ " "
" 119	" " "	27 " " "	119 $\frac{1}{4}$ " "
" 319 $\frac{3}{4}$	" " "	79 " " "	349 $\frac{3}{4}$ " "
" 384 $\frac{1}{2}$	" " "	87 " " "	384 $\frac{1}{2}$ " "
" 424	" " "	96 " " "	424 $\frac{1}{4}$ " "
" 433	" " "	98 " " "	433 $\frac{1}{4}$ " "
" 217	" " "	97 " II	217 $\frac{1}{4}$ " "
" 1 $\frac{1}{2}$	" " "	14 " III	11 $\frac{1}{2}$ " "
" 13	" " "	16 " " "	13 $\frac{1}{4}$ " "
" 21 $\frac{1}{2}$	" " "	26 " " "	21 $\frac{1}{2}$ " "
" 23 $\frac{1}{4}$	" " "	28 " " "	23 $\frac{1}{4}$ " "
" 72	" " "	87 " " "	72 $\frac{1}{4}$ " "
" 7	" " "	3 posts I	7 $\frac{1}{4}$ " "
" 36	" " "	15 " " "	36 $\frac{1}{4}$ " "
" 50 $\frac{1}{2}$	" " "	21 " " "	50 $\frac{1}{2}$ " "
" 190	" " "	79 " " "	190 $\frac{1}{4}$ " "
" 3	" " "	6 " II	3 $\frac{1}{4}$ " "
" 5 $\frac{1}{2}$	" " "	10 " " "	5 $\frac{1}{2}$ " "
" 6 $\frac{1}{2}$	" " "	12 " " "	6 $\frac{1}{4}$ " "
" 7	" " "	13 " " "	7 $\frac{1}{4}$ " "
" 8	" " "	15 " " "	8 $\frac{1}{4}$ " "
" 28 $\frac{1}{4}$	" " "	52 " " "	28 $\frac{1}{4}$ " "
" 43 $\frac{1}{4}$	" " "	74 " " "	40 $\frac{3}{4}$ " "
" 46	" " "	84 " " "	46 $\frac{1}{4}$ " "
" 10 $\frac{1}{2}$	" " "	13 Butts.	10 $\frac{1}{2}$ " "
" 11	" " "	14 " "	11 $\frac{1}{4}$ " "
" 18	" " "	23 " "	18 $\frac{1}{2}$ " "
" 20	" " "	25 " "	20 $\frac{1}{4}$ " "
" 29	" " "	36 " "	29 $\frac{1}{4}$ " "
" 41	" " "	51 " "	41 $\frac{1}{4}$ " "
" 67	" " "	83 " "	67 $\frac{1}{4}$ " "
" 68 $\frac{1}{2}$	" " "	86 " "	69 $\frac{1}{2}$ " "
" 69 $\frac{1}{4}$	" " "	87 " "	70 $\frac{1}{2}$ " "
" 71	" " "	88 " "	71 $\frac{1}{4}$ " "
" 80	" " "	99 " "	80 $\frac{1}{4}$ " "
" 2	" " "	13 loppings.	2 $\frac{1}{4}$ " "
" 3 $\frac{1}{2}$	" " "	20 " "	3 $\frac{1}{2}$ " "
" 3 $\frac{3}{4}$	" " "	22 " "	3 $\frac{3}{4}$ " "
" 4	" " "	25 " "	4 $\frac{1}{4}$ " "
" 15	" " "	89 " "	15 $\frac{1}{4}$ " "
" 16	" " "	96 " "	16 $\frac{1}{4}$ " "
" 70 $\frac{1}{2}$	" " "	75 beams	870 $\frac{1}{4}$ " "

X. Classification and Calculation of Volume of Timber etc.

Circular No. 400, dated October 1900.

Table for calculating the number of cubic feet solid of Timber and Fuel, drawn up in accordance with paragraph 7 of the Conservator's Circular No. 2470, dated October 1900.

TIMBER.

Class of Timber.	Number of timber pieces.													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Volume in solid cubic feet.													
Beams	11½	23½	34½	46½	58	69½	81½	93	104½	116½	127½	139½	151	162½
Rafters I	4½	8½	13½	17½	22	26½	31	35½	39½	44½	48½	53	57½	62
Rafters II	2½	4½	6½	9	11½	13½	15½	18	20½	22½	24½	26½	29½	31½
Rafters III	¾	1½	2½	3½	4½	5	5½	6½	7½	8½	9½	10	10½	11½
Posts I	2½	4½	7	9½	12	14½	16½	19½	21½	24	26½	29	31½	33½
Posts II	½	1½	1½	2½	2½	3½	3½	4½	5	5½	6	6½	7	7½
Butts	¾	1½	2½	3½	4	4½	5½	6½	7½	8	9	9½	10½	11½
Loppings	¼	¾	½	¾	¾	1	1½	1½	1½	1½	1½	2	2½	2½
	Number of timber pieces.													
	15	16	17	18	19	20	21	22	23	24	25	26	27	28
	Volume in solid cubic feet.													
Beams	174½	186	197½	209½	220½	232½	244	255½	267½	278½	290½	302	313½	325½
Rafters I	66½	70½	75½	79½	84	88½	92½	97	101½	106	110½	115	119½	123½
Rafters II	33½	35½	38	40½	42½	44½	47	49½	51½	53½	56	58½	60½	62½
Rafters III	12½	13½	14	15	15½	16½	17½	18½	19	20	20½	21½	22½	23½
Posts I	36½	38½	41	43½	45½	48½	50½	53	55½	57½	60½	62½	65	67½
Posts II	8½	8½	9½	10	10½	11	11½	12	12½	13½	13½	14½	14½	15½
Butts	12½	13	13½	14½	15½	16½	17	17½	18½	19½	20½	21	21½	22½
Loppings	2½	2½	3	3	3½	3½	3½	3½	4	4	4½	4½	4½	4½

X. Classification and Calculation of Volume of Timber etc.

Class of Timber.	Number of timber pieces.											
	29	30	31	32	33	34	35	36	37	38	39	40
	Volume in solid cubic feet.											
Beams	337	348½	360½	371¾	383½	395	406¾	418½	430	441½	453½	464¾
Rafters I	128½	132½	137	141½	145¾	150½	154¾	159½	163½	168	172½	176¾
Rafters II	65	67½	69½	71½	74	76½	78½	80½	82¾	85	87½	89½
Rafters III	24	25	25¾	26½	27½	28½	29	29¾	30¾	31½	32½	33½
Posts I	69¾	72½	74¾	77½	79½	82	84½	86¾	89½	91½	94	96½
Posts II	16	16½	17	17½	18½	18¾	19½	19¾	20½	21	21½	22
Butts	23½	24½	25	26	26¾	27½	28½	29½	30	30¾	31½	32½
Loppings	5	5	5½	5½	5½	5½	6	6½	6½	6½	6½	6½

	Number of timber pieces.											
	41	42	43	44	45	46	47	48	49	50	51	52
	Volume in solid cubic feet.											
Beams	476½	488	499¾	511½	523	534½	546½	557¾	569½	581	592½	604½
Rafters I	181½	185¾	190	194½	199	203½	207¾	212½	216½	221	225½	229¾
Rafters II	91¾	94	96½	98½	100¾	103	105½	107½	109¾	112	114½	116½
Rafters III	34	34¾	35¾	36½	37½	38½	39	39¾	40¾	41½	42½	43½
Posts I	98¾	101½	103½	106	108½	110¾	113½	115½	118	120½	123	125½
Post II	22½	23	23½	24½	24¾	25½	25¾	26½	27	27½	28	28½
Butts	33½	34	34¾	35¾	36½	37½	38	38¾	39¾	40½	41½	42½
Loppings	7	7½	7½	7½	7½	7½	8	8½	8½	8½	8½	8½

X. Classification and Calculation of Volume of Timber etc.

Class of Timber.	Number of timber pieces.											
	53	54	55	56	57	58	59	60	61	62	63	64
	Volume in solid cubic feet.											
Beams	615½	627½	639	650½	662½	674	685½	697½	708½	720½	731	743½
Rafters I	234½	238½	243	247½	252	256½	260½	265½	269½	274	278½	282½
Rafters II	118½	121	123½	125½	127½	130	132½	134½	136½	138½	141	143½
Rafters III	44	44½	45½	46½	47½	48½	49	49½	50½	51½	52½	53
Posts I	127½	130½	132½	135	137½	139½	142½	144½	147	149½	151½	154½
Posts II	29½	29½	30½	30½	31½	32	32½	33	33½	34	34½	35½
Butts	43	43½	44½	45½	46½	47	47½	48½	49½	50½	51	51½
Loppings	9	9½	9½	9½	9½	9½	10	10½	10½	10½	10½	10½
	Number of timber pieces.											
	65	66	67	68	69	70	71	72	73	74	75	76
	Volume in solid cubic feet.											
Beams	755½	767	778½	790½	801½	813½	824	836½	847½	859	870½	882½
Rafters I	287½	291½	296½	300½	305	309½	313½	318½	322½	327	331½	336
Rafters II	145½	147½	150	152½	154½	156½	159	161½	163½	165½	168	170½
Rafters III	54	54½	55½	56½	57½	58	59	59½	60½	61½	62½	63
Posts I	156½	159	161½	163½	166½	168½	171	173½	176	178½	180½	183½
Posts II	35½	36½	36½	37½	38	38½	39	39½	40½	43½	41½	41½
Butts	52½	53½	54½	55	56	56½	57½	58½	59½	60	60½	61½
Loppings	11	11½	11½	11½	11½	12	12	12½	12½	12½	12½	13

X. Classification and Calculation of Volume of Timber etc.

Class of Timber.	Number of timber pieces.											
	77	78	79	80	81	82	83	84	85	86	87	88
	Volume in solid cubic feet.											
Beams	893½	905½	917	929½	940½	951½	963½	975	987½	999½	1011	1022½
Rafters I	340½	344½	319½	353½	358	362½	366½	371½	375½	380	384½	389
Rafters II	172½	174½	177	179½	181½	183½	186	188½	190½	192½	194½	197
Rafters III	64	64½	65½	66½	67½	68	68½	69½	70½	71½	72½	73
Posts I	185½	188	190½	192½	195½	197½	200	202½	204½	207½	209½	212
Posts II	42½	43	43½	44	44½	45	45½	46½	46½	47½	47½	48½
Butts	62½	63½	64	64½	65½	66½	67½	68	68½	68½	69½	71½
Loppings	13	13½	13½	13½	13½	14	14	14½	14½	14½	14½	15
	Number of timber pieces.											
	89	90	91	92	93	94	95	96	97	98	99	100
	Volume in solid cubic feet.											
Beams	1034½	1045½	1057½	1068	1080½	1092½	1104	1115½	1127½	1138½	1150½	1162
Rafters I	393½	397½	402½	406½	411	415½	420	424½	428½	433½	437½	442
Rafters II	199½	201½	203½	206	208½	210½	212½	215	217½	219½	221½	224
Rafters III	73½	74½	75½	76½	77½	78	78½	79½	80½	81½	82½	83
Posts I	214½	217	219½	221½	224½	226½	229	231½	233½	236½	238½	241
Posts II	49	49½	50	50½	51½	51½	52½	52½	53½	54	54½	55
Butts	72	73	73½	74½	75½	76½	77	77½	78½	79½	80½	81
Loppings	15½	15½	15½	15½	15½	16	16½	16½	16½	16½	16½	17

LOGS.—The Volume of the class "logs" should be ascertained by reference to Carter's Computation Tables, pages 4 to 10.

FUEL.

1. Number of cubic feet solid of Fuel = $\frac{1}{3}$ rd number of cubic feet rough stacked.

Note.—"Thorns" should be measured separately from other fuel and their solid volume should be taken as $\frac{1}{6}$ th of their rough stacked volume.

2. One cart-load = 20 cubic feet solid.

One ass-load = 2½ cubic feet solid.

One bullock load = 4 cubic feet solid.

One head-load = 1½ cubic feet solid.

L. S. OSMASTON,
Forest Working Plans, C. C.

CHAPTER III.

RULES UNDER THE INDIAN FOREST ACT, VII OF 1878, AS AMENDED BY THE FOREST ACT, V OF 1890.

Giving Section Nos. relating to rules under the Act but not included in this Chapter.

271. For rules under sections of the Indian Forest Act not included in this Chapter read as follows:—

Section No. in Forest Act.	Section No. in Standing Orders, Forests.	Section No. in Forest Act.	Section No. in Standing Orders, Forests.
4	... 98—130 <i>a</i> ..	16	... 121, 142, 143 and 149 ✓
5	... 130 <i>a</i>	17	... 149 ✓
7	... 130 <i>a</i> —131	18	... 146, 147 and 148
9	... 130 <i>a</i> —138 ✓	19	... 108, 111, 112
9A	... 130 <i>a</i>	24	... 139
10 (a) (d)	... 121, 130 <i>a</i> , 131, 138 and 141	26	... 113 to 118 <i>a</i> , 130 <i>b</i> and 141
11	... 121, 130 <i>a</i> and 138 ✓	28	... 109, 111, 132
12	... 130 <i>a</i> and 138 ✓	29b	... 110, 111
13	... 130 <i>a</i> and 138 ✓	31 (b) and (i)	... 206, 206 <i>a</i>
14	... 121, 130 <i>a</i> and 138 ✓	34	... 132
15	... 121, 130 <i>a</i> , 138, 141 and 143 ✓	83	... 99

NOTE.—The powers of Forest Officers under other Acts are included under "XIII.—Position, Powers, and Functions of Forest Officers" in this Chapter.

I. SECTION 25 (a), CLEARING FOREST LANDS.

272. As regards the question whether under the provisions in section 5 of the Indian Forest Act,* a person who cuts a tree upon

land which has been provisionally notified, under section 4, and is awaiting notification under section 19, renders himself liable thereby to prosecution under section 25 (a) and to the penalties provided by that section, Government

are of opinion that the advisability of prosecuting in such cases would depend in each case very much on the respective rights of Government and the cutters to the trees, but under any circumstances the care and forbearance inculcated in Government Resolution No. 2206, dated 26th April 1880, in instituting such prosecutions should be exercised by the Forest Department.†

273. Pending the completion of enquiry into rights, Government do not desire to prosecute where there is a colourable defence that the accused person supposed himself to be in exercise of a right or custom. In cases where no such defence can be pleaded, prosecution may be allowed, for otherwise the Government forest would be without protection while

enquiry is going on.

* And no fresh clearings for cultivation or for any other purpose shall be made in such land.

† Government Resolution No. 3977, dated 3rd June 1886.

I. Section 25 (a). Clearing Forest Lands.

Moreover, where prosecutions are not allowed at present, it does not follow that the rayats should be permitted to set at defiance orders which Government have issued on a reasonable view of their rights. Government may, through their Forest Officers, prevent the exercise by the rayats of asserted rights of which Government deny the existence, leaving the claimants to sue Government in order to establish their claims.*

Protection of areas awaiting notification under section 19 of the Act.

II. SECTION 25 (b), FIRES.

274. The success of fire protection must depend to some extent on the nature of the tract, the attitude of the people and the season. The Conservator of Forests, Central Circle, should be requested to consider whether it is not desirable to take special measures for any of the more valuable teak forest in his Circle. The characteristics of the system of fire protection in this Presidency as compared with other Provinces are, a very low rate of expenditure per square mile, a high percentage of area attempted and a high proportion of failure to that area. The successful protection for a term of years of a comparatively small area of valuable forest appears to the Governor in Council as at present advised to be of greater importance than imperfect protection of a large area, of which perhaps only an inconsiderable portion enjoys continuous immunity for any length of time.†

275. More energetic measures are required to quicken the sense of communal responsibility. The general line of action to be taken has been indicated in paragraph 8 of Government Resolution No. 3868, dated 9th June 1902, and paragraph 10 of Government Resolution No. 3805, dated 12th June 1903 (read sections 278 and 280, Standing Orders, Forests) in which the measures taken in Thána were mentioned with approval.

Joint village responsibility to be enforced for protection of forests from fire.

† NOTE.—Enforcement of joint village responsibility.

Similar measures should now be enforced in all districts where forest fires are prevalent. Villages in which fires have been frequent or extensive should be selected, and the villagers should be assembled and formally warned by the Mámlatdár or Range Forest Officer, or when possible by the Divisional Forest Officer and Sub-Divisional Forest Officer, in person, that a recurrence of similarly extensive fires will result in the deprivation of all privileges including grazing. On recurrence of fire after formal warning in the forests of any village, all the privileges, which the village enjoys or such of them as the Collector may consider it advisable to suspend, should be stopped for the ensuing season. At the end of the next season the privileges should be restored unless the Collector, on report of the Divisional Forest Officer, considers that the behaviour of the villagers has not been

* Government Resolutions No. 7844, dated 3rd October 1884; and No. 6425, dated 18th September 1891.

† Government Resolution No. 3868, dated 9th June 1902.

II. Section 25 (b), Fires.

satisfactory, in which case the deprivation of privileges may be continued, with the sanction of the Commissioner for another year. In any case, in which the Collector may be of opinion that it will be sufficient to impose the usual fees in respect of a privilege previously enjoyed free, or to double the ordinary fee, instead of stopping the privilege altogether, he is authorized to do so.

He is also authorized to stop only grazing or any other particular privilege or privileges if he considers it unnecessary to suspend them all. But care should be taken to extend the punishment to those classes of persons who are believed to be more immediately responsible for the fires. It will be of little use, for instance, to stop grazing in places where the fires are principally caused by people like Bhils who do not keep cattle for grazing in forests, if the privileges valued by such people, such as hunting or the collection of dead wood, are not suspended at the same time.*

Rewards to persons who render notable assistance in fire protection.

276. The system of giving rewards to men who render notable assistance in preventing fires has been tried in Sind and should be extended to the Presidency proper.†

277. His Excellency the Governor in Council is pleased to authorise the officers named below to sanction within the limits specified, the grant of rewards to village officers and other persons, not being servants of the Forest Department, who assist in extinguishing forest fires or furnish information leading to the detection of the cause of forest fires:—

(a) Conservators or Deputy Conservators of Forests in charge of circles up to Rs. 20 in the case of each fire.

(b) Commissioners in Sind and Commissioners of Division up to Rs. 100 in the case of each fire.

The form of reward should be determined by the officer sanctioning it on the recommendation of the Divisional Forest Officer or other officer concerned, but the concurrence of the Collector of the District should be recorded on the proposal before the reward is sanctioned.‡

277a. Conservators and Deputy Conservators in charge of Circles may remit grazing fees in cases where villagers have assisted the Forest Department in fire protection and may reduce the fees in villages where cattle trespass has diminished.§

Conservators may remit grazing fees.

Collectors may redouble grazing fees.

277b. Collectors are authorised to redouble the already doubled grazing fees in very bad cases where the villagers show no signs of improvement in fire protection.||

* Government Resolution No. 7186, dated 13th October 1903.

† Government Resolution No. 3868, dated 9th June 1902.

‡ Government Resolution No. 2587, dated 24th March 1896.

§ Government Resolution No. 9360, dated 15th October 1910.

|| Government Resolution No. 11535, dated 6th December 1906.

II. Section 25 (b), Fires.

278. In exercise of the powers conferred by section 25, clause (b) of the Indian Forest Act (VII of 1878) as amended by section of the Forest Act (V of 1890), the Governor in Council is pleased to make the following rules regarding the kindling of fires or the leaving of fires burning so as to endanger a reserved forest (namely) :—

1. Fire shall not be kindled or left burning upon any public or private way, which lies within the boundaries of a reserved forest but is not included in the area thereof, except at such spot as may from time to time be notified locally by the Divisional Forest Officer.

Kindling, etc., of fire on roads in reserved forests prohibited.

279. 2. No person shall ignite material for making ash-manure in a field adjoining a reserved forest unless he has cleared a fire-path twenty-five feet in width and taken such other precautions such as employing watchers, as are reasonably necessary to prevent fire spreading to the forest.

Precautions to be taken in making ash manure near a reserved forest.

280. 3. Except for the purpose of making ash-manure, no fire shall be kindled, elsewhere than in a place used as a human dwelling or in premises appertaining to such dwellings, within a distance of two hundred yards from the boundary of a reserved forest, without the previous written permission of a Forest Officer not lower in rank than an Extra Assistant Conservator.

Limit within which no fire shall be lit of reserved forest.

281. 4. Nothing in these rules shall have operation in the rainy season commencing on the 15th June and ending on the 31st October.*

Period during which these rules are not in force.

282. The present system of recording areas burnt by fire is inadequate and the figures reported represent areas which enjoy natural immunity, and give little indication of the success attained by continued precautions. What is required is the most trustworthy information obtainable which will afford some indication of the extent of valuable forest for which continuous protection is desirable, and of the proportion of such forest which has been continuously protected for a term of years. Such areas as are naturally immune should be shown separately and fires in close areas should be differentiated from the less important and apparently less accurately reported fires in open areas.†

Record of fires.

* NOTE.—For the form giving information called for above see appendices under "Forms submitted with Administration Reports, Form No. 34".

283. Wherever fire-paths are required in the interests of forest conservancy they must be provided by the Forest Department and, not at the expense of the occupants of

Fire tracing.

* Government Notification No. 3612, dated 16th May 1895, page 556, Part I, of the *Bombay Government Gazette*.

† Extract from Government Resolution No. 3805, dated 12th June 1903.

Page 174.

For Sections 278 to 281 substitute the following :—

278. In exercise of the powers conferred by section 25, clause (b), of the Indian Forest Act, 1878 (VII of 1878), and in supersession of Government Notification No. 3612, dated 14th May 1895, as subsequently amended, the Governor in Council is pleased to make the following rules regarding the kindling of fires or the leaving of fires burning so as to endanger a Reserved Forest, namely :—

1. Fire shall not be kindled or left burning upon any public or private way which lies within the boundaries of a Reserved Forest but is not included in the area thereof, except at such spots as may from time to time be notified locally by the Divisional Forest Officer.

Kindling, etc., of fire on roads in Reserved Forests prohibited.

2. No person shall ignite materials for making ash-manure in any field within 200 yards from the boundary of a Reserved Forest, unless—

Precautions to be taken in making ash-manure near a Reserved Forest.

(i) there is between such boundary and the spot on which such materials are ignited a space at least 25 feet in width which is clear of vegetation capable of carrying fire from such spot to the forest ; and

(ii) such other precautions, such as employing watchers, are taken as are reasonably necessary to prevent fire from spreading to the forest.

3. Except for the purposes of making ash-manure, no fire shall be kindled elsewhere than in a place used as a human dwelling or in premises appertaining to such dwelling, within a distance of two hundred yards from the boundary of a Reserved Forest, without the previous written permission of a Forest Officer not lower in rank than an Extra Assistant Conservator.

Kindling of fire in neighbourhood of a Reserved Forest prohibited.

4. No person shall kindle any fire, or leave any fire burning, at a greater distance than two hundred yards from the boundary of a Reserved Forest in any spot from which the fire may by natural means spread to the forest unless he takes precautions, by clearing a fire-path not less than twenty-five feet in width between such spot and such boundary, or by employing watchers or otherwise, to prevent the fire from so spreading.

5. Elsewhere than in the Province of Sind nothing in these rules shall have operation in the rainy season commencing on the 15th June and ending on the 31st October.

Partial operation of rules in the rainy season.

In the foot-note "*" for the words "3612, dated 16th May 1895, page 556, Part I, of the *Bombay Government Gazette*," substitute "1779, dated 24th February 1913."

II. Section 25 (b), Fires.

the lands bordering on forests or within forest limits. The Forest Department must rely mainly on the exertions of its own establishments for guarding the forests against damage. The establishment of the "coupe" system, under which felling is restricted in each season to specified blocks of forest and entirely prohibited elsewhere, must make conservancy more easy than it was when felling was allowed indiscriminately in all parts of the forests.*

Duties of Magistrates
when trying offenders in
forest fire cases.

284. 1. The following extract from Government of India's Resolution No. 139, dated 5th February 1892, on the subject of forest fires is forwarded to all Magistrates for information and guidance in the Presidency.

2. The setting fire to a reserved forest is a very serious offence and as such, merits severe notice. It is not the actual damage caused at the time that is to be considered, but the injury caused to Government and the people in general by the destruction of the young forest growth and the consequent delay in afforesting the treeless reserves.

3. The District Magistrate has reason to believe that some Magistrates consider the offence a venial one owing to the absence of any 'intention' on the part of the offender. It is not necessary, however, under the Forest Act that intention should be proved. Carelessness in the use of fire by which a reserve is burnt is equally an offence, but in the meting out of punishment a distinction can be made if the Magistrate sees fit.

4. The District Magistrate trusts then that all Magistrates will be very careful in dealing with any such forest cases which are brought before them. Forest fires are unhappily but too frequent in this district, and in most cases it is very difficult to discover their origin, but when an accused has been convicted, the above stated considerations should not be lost sight of, and, when the circumstances establish either deliberate intention or very gross carelessness and disregard of ordinary precautions it is obvious that the punishment awarded should be adequate.

284a. *Extract paragraph 7 of letter No. 139 of 5th February 1892 from the Government of India to the Chief Commissioner of Assam reviewing the Progress Report on Forest Administration of Assam for 1890-91:—*

"It is noticeable that out of 17 new cases on account of injury caused to the forests by fire, 13 were compounded. In the opinion of His Excellency in Council, the provisions of section 67 of the Act should only be applied to such cases cautiously and for very special reasons; any action which might tend to foster in the minds of an ignorant population the idea that firing of the forests, whether of set purpose or through culpable negligence, is not a serious offence, or one which in the opinion of Government calls for vigorous

* Government Resolution No 7108, dated 6th September 1892.

II. Section 25 (b), Fires.

suppression, is manifestly to be deprecated. Section 67 was enacted to meet the case of petty offences, like the illicit removal of forest produce; but such cases as those referred to in paragraphs 50 and 51 of the report, in which considerable damage is understood to have been caused by fire to two reserved forests, certainly do not fall within this category."*

285. The statistical information furnished as regards punishments awarded by the Magistracy for forest offences still requires explanation. It has been pointed out by Government that the principal factor in determining the gravity of a forest offence is not the extent of damage committed but the degree of malice or culpable negligence disclosed, and it has been directed that the classification of offences of incendiarism should be based on the Magistrate's opinion. It is impossible to judge from the reports how far these orders have been attended to. The sentences recorded, especially those in Central Thána, seem to show an extraordinary diversity in the standard of punishment. The District Magistrate should pay special attention to this class of cases, call for the proceedings, and examine carefully the grounds upon which the punishments have been determined. The experiment suggested by the Commissioner, C. D., of sending at least a proportion of cases believed to be "malicious" to First Class Magistrates, may be tried. The Governor in Council trusts that in future in reporting results the orders of Government will be more closely followed, and that the statistics supplied will be compiled more intelligently.†

285a. Government approve of the proceedings of the conference held for discussing measures for the prevention of forest fires in the West Khándesh District. They also approve of the Conservator's proposals that—

1. If the forests are successfully protected from fire in any village or if on the occurrence of a fire the villagers do all in their power to catch the offender and extinguish the fire—

- (a) The villagers who burnt the outer forest fire line be paid for such work directly the fire season is over, and

- (b) The Divisional Forest Officer be empowered to allow the Bhils and other wild tribesmen of such village for their own use on permits free or at reduced rate timber of such of the 22 kinds of trees reserved by No. IX (b) of the North Tápti Privilege Code which he may deem advisable. Such timber be supplied in the manner the Divisional Forest Officer may decide to be best so long as the provisions of Sanctioned Working Plan are not interfered with.

2. That these orders come into force from the 1st of November (in the Taloda Range as an experimental measure) and that before that date they be explained to all forest villagers where the order is to take effect carefully and thoroughly.

* Government Resolution No. 4548, dated 24th June 1893.

† Extract, Government Resolution No. 3805, dated 12th June 1903.

II. Section 25 (b), Fires.

3. That the Divisional Forest Officer be empowered to entertain extra guards on daily wages after a fire has occurred till August 1st following; the one and only duty of these extra guards being to patrol the burnt areas and see that the order suspending privileges in such areas is not broken, and direct that in the notices issued to villagers it should be made clear that it is incumbent on them to assist in preventing or extinguishing fire whether aid has been demanded by Government Officers or not; and insisting continuous and sustained co-operation of the Revenue Officers in working the plans devised for introducing fire protection; it is essential that when adequate measures are taken by Government Officers for such protection offenders should not on conviction be awarded punishments which can have no effect in bringing home to their minds the fact that Government regard the protection of forests from fire as a measure of serious importance which must be enforced. It is the duty of the District Magistrate to see that his subordinate Magistrates understand the position and pass sentences adequate to the gravity of the offence which they find to have been committed.*

285b. Grant may be made to the inhabitants of Akráni villages of a reward of Rs. 4 per mile of outer forest boundary fire traces which are done by them without payment, provided that fire-protection in their villages is good.

285c. A reward of Rs. 4 in addition to the annual emolument of Re. 1 may be granted to the pátils of the Akráni villages for services performed as pátils, provided that fire-protection in their respective villages is good.

The Commissioner, C. D., is empowered to sanction these payments without reference to Government.†

III. SECTION 25 (d), GRAZING.

286. Some degree of tact and discretion must be displayed by the Forest officers in cases where cattle are found straying or grazing in the closed reserves. In the case of first offence it will ordinarily suffice to turn the cattle out and warn the owners. In the case of second offence, impounding the animals would be justifiable, and would probably be the only way of convincing their owners that the conservation of the forest was intended to be real.‡

Government do not desire to prevent Forest Officers from impounding animals which are deliberately driven into reserved forests or are allowed through wilful negligence, on the part of their owners to stray into such forests, but full consideration

* Government Resolution No. 9764, dated 25th September 1908.

† Government Resolution No. 8885, dated 3rd October 1910.

‡ Government Resolution No. 2437, dated 21st March 1885.

III. Section 25 (d), Grazing.

should be given to the fact that, while the forests are not closed by fences, it is very difficult to hinder cattle from occasionally entering them, and it is not in the interest of the Forest Department to irritate the people by impounding their cattle for light reasons. If the subordinate officers adhere strictly to the following practice described by the Conservator of Forests, N. C., there will be no cause for complaint :—

“Cattle which are not properly cared for by their owners, and are not fed by them, but are allowed to pick up a subsistence by pilfering food whenever they can, richly deserve to be impounded when they come into a plantation or into an improving forest. Cattle deliberately driven into property not their own, or into property known to be ‘closed’ by lawless Dhangars and other owners of cattle, likewise deserve to be taken to the pound. Cattle which are habitually kept under control, but through accident have strayed or for the presence of which inside a closed forest there may be a reasonable excuse, are not as a rule impounded but the owners are warned to be more careful of them in future.”*

287. The following procedure was sanctioned by Government in limited areas in the Central Circle and has since been generally extended to the Presidency Proper :—“Instead of impounding cattle grazing without fees, the trespassing cattle are to be taken into the village to the village officers for the latter to levy the grazing fee from their owners.” The above procedure applies to cattle which are the property of villagers and not professional graziers and which are found grazing without passes in pasture or open portion of Forest proper.†

287a. The Commissioner may extend the dates fixed for the collection of grazing fees in any district where the fixed date is found to be unsuitable.

Double fees shall be levied on cattle found grazing in Forests without a pass after the fixed date.‡

IV. SECTIONS 25 (i), 31 (j) AND 75 (d), RULES FOR PROTECTION OF GAME IN RESERVED AND PROTECTED FORESTS.

288. In exercise of the powers conferred by sections 25 (i), 31 (j) and 75 (d) of the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act, 1890 (V of 1890), and in supersession of Government Notification No. 6254, dated 25th July 1894, published at page 751 of Part I of the *Bombay Government Gazette* (except in regard to the Province of Sind), His Excellency the Governor in Council, with the previous sanction of the Governor General in Council, is pleased

* Government Resolution No. 5763, dated 17th July 1885.

† Government Resolution No. 2555, dated 12th April 1899.

‡ Government Resolution No. 8461, dated 1st November 1904.

IV. Sections 25 (i), 31 (j) and 75 (d), Protection of Game.

to prescribe the following rules to regulate hunting, shooting, poisoning of water and setting of traps or snares in the Protected and Reserved Forests of the Bombay Presidency including Sind:—

Acts which are absolutely prohibited.

1. The following acts are absolutely prohibited in all Reserved and Protected Forests:

(a) The poisoning of rivers and other waters and the explosion of dynamite therein for the purpose of killing or catching fish;

(b) The setting of spring guns;

(c) The taking, wounding or killing of big game, other than tiger, panther, wolf, hyena, wild dog, pig or bear, over water or salt-licks;

(d) Wounding or killing the females of deer, antelope, or bison;

(e) Wounding or killing any game birds and hares during the close season fixed in Appendix I.

2. The setting of snares or traps is prohibited in all Reserved and Protected Forests except with the written permission of the Divisional Forest Officer.

3. (a) In any Reserved or Protected Forests or portions of Reserved or Protected Forests to which the Local Government may apply for the purpose of strict conservation or for the preservation of animals which are becoming rare, or for both these purposes, apply this and the following rules by a notification published in the *Bombay Government Gazette*, hunting and shooting are prohibited except under a license to be obtained from the Conservator of Forests.

(b) Every license issued under clause (a) of this rule shall permit the holder only to hunt and shoot and shall be valid for a period of one year from the date of its grant in any Reserved or Protected Forest in the Presidency to which these rules are made applicable under clause (a), subject to the condition that before it has effect in any Forest Division in which the licensee does not reside or exercise any jurisdiction it must be countersigned by the Divisional Forest Officer.

Limit to number of head of game which it is permissible to shoot.

(c) No such license shall entitle the holder to hunt or shoot more than two stags or bulls of each species of animal to be specified in the license, according to a list to be prepared for each Forest Division by the Conservator of Forests.

Regarding the refusal of licenses.

4. Licenses shall not be refused except for special reasons to be stated in writing.

Pursuit of wounded game.

5. Wounded game may be pursued into the forest of the division adjoining that for which the license is valid or into a forest closed under Rule 8.

No. 57.

Page 179, line 3 from the top—

Substitute the word "excluding" for "including" before Sind.

Notification No. 5627, dated 18th August 1903.

IV. Sections 25 (i), 31 (j) and 75 (d), Protection of Game.

License not transferable.

6. A license granted under these rules is not transferable.

7. Every person to whom a license has been granted under these rules, and who is found hunting, shooting, snaring or trapping in any forest to which these rules apply, shall, on demand by any Forest, Police or Revenue Officer, produce his license.

Persons must produce the license when called upon to do so.

8. The Conservator may, on the recommendation of the Divisional Forest Officer and Collector, declare that any particular forest or part of forest is wholly closed for a term of years or annually for a specified reason. He may also prohibit the taking, wounding or killing of any particular species of animal in any specified tract of forest, with a view of the preservation of such species, but any such order shall be subject to revision by the Commissioner. To such forests the validity of licenses granted under these rules does not extend or is modified accordingly: provided that Gazetted Officers whose jurisdiction extends to such forests, or persons holding licenses on which the Divisional Forest Officer has endorsed special permission to that effect, may kill pig, tigers and other dangerous or destructive animals in such forests. Such special permission shall not be given for a longer period than one month in any case.

Regarding specially closed areas against shooting.

Permission to kill dangerous animals in closed areas.

9. If any person to whom permission under Rule 2 or a license under Rule 3 has been granted commits a breach of any provision of the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act V of 1890 or of any rules framed thereunder, he shall be liable to the penalty of having the permission or license, as the case may be, cancelled by the Divisional Forest Officer, in addition to any other penalty to which he may be liable under the Indian Forest Act, 1878 (VII of 1878), or otherwise; an appeal against the cancellation of the permission or the license by the Divisional Forest Officer shall lie to the Collector, and a second appeal in case of dismissal of the appeal by the Collector, to the Commissioner, whose decision shall be final.

Penalties.

10. In any case where the Divisional Forest Officer or Conservator thinks it advisable, he may direct that a Forest Guard or other person shall accompany the camp of any license-holder hunting or shooting in forests, with the object of seeing that Forest rules are not infringed by camp followers.

Cases in which Forest Guards are to accompany persons shooting.

11. The word "hunting," as used in these rules, includes tracking for the purpose of discovering the lie of wild animals, provided that any person holding a license is not prohibited from employing any number of trackers.

Definition of the word "hunting."

12. Nothing in these rules shall be taken to exempt any person from liability in respect of any offence by injuring to the forest or its produce or of any other offence punishable under the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act, 1890 (V of 1890).

Respecting offences under the Forest Act.

IV. Sections 25 (i), 31 (j) and 75 (d), Protection of Game.

13. Nothing in these rules shall be taken to cancel any privileges granted to resident wild tribes except by the express order of the Collector, or to preclude the grant of special permission by the Divisional Forest Officer or Collector to resident villagers on special occasions.

[N. B.—Forest in which wild tribes have been given the privilege of hunting will not generally be notified under Rule 3.]

Appendix I.

List of game birds and close seasons.

288a. The game birds referred to in Rule 1 (e) are as below, and the close season is fixed as follows :—

For		Close season.
Sand-grouse	... { Pterocles fasciatus ... } ... { Pteroclorus exustus ... }	1st April to 30th September.
Pea-fowl	... Pavo cristatus ...	Do.
Jungle-fowl	... Gallus sonnerati ...	Do.
Spur-fowl	... { Galloperdix spadicea ... } ... { Galloperdix lunulata ... }	Do.
Partridge	... { Francolinus vulgaris ... } ... { Francolinus pictus ... } ... { Ortygornis or Francolinus pondicerianus. ... }	Do.
Rain-quail	... Coturnix coromandelica ...	Do.
Bush-quail	... { Perdícula argoondah or argunda ... } ... { Perdícula asiatica ... }	Do.
Bustard-quail	... { Turnix pugnax ... } ... { Turnix gondera, or tanki. ... } ... { Turnix dussumieri ... }	Do.
Bustard	... Eupodotis edwardsi ...	Do.
Lik-florican	... Sypheotis or sypheotis aurita ...	Do.
Whistling-teal	... Dendrocygna arcuata or javanica ...	1st June to 30th September.
Cotton-teal	... Nettopus coromandelianus ...	Do.
Comb-duck	... Sarcidiornis melanonotus ...	Do.
Spot-bill-duck	... Anas poecilorhyncha ...	Do.

The close season for hares is 1st April to 30th September.*

Rewards for informers under the Game Rules.

288b. The Conservator, S. C., is authorised to utilise the revenue derived from shooting licenses for giving rewards to informers.†

V. SECTION 39, DUTY ON FOREIGN TIMBER.

289. His Excellency the Governor in Council is pleased to direct that no duty should in future be levied under the Forest Act, VII of 1878, on Baroda State produce passing through or into any part of British territory.‡

No duty leviable on import or export of timber from the Baroda State.

* Government Notification No. 5627, dated 18th August 1903, *Bombay Government Gazette*, pages 1021 to 1023, Part I.

† Government Resolution No. 9747, dated 12th October 1906.

‡ Government Resolution No. 8032, dated 28th September 1894.

V. Section 39, Duty on Foreign Timber.

His Highness the Gaikwar of Baroda undertakes not to levy duty in future upon any British timber passing through Baroda territories, whether by land or by water.*

VI. SECTION 41, RULES REGULATING FOREST PRODUCE IN TRANSIT.

A. General.

290. Chapter VII of the Indian Forest Act has no reference to forests or lands under forest, whether Government or private, but is intended to give the means of controlling timber and other forest produce (as defined in section 2 of the Act) while in transit, irrespective of the source from which it may have been derived. The object of the chapter is not only to protect the produce of Government forest in transit, but also that obtained from private forests, and especially to prevent misappropriation. The entire chapter would be ineffective if any forest produce was exempted from its operation.†

291. Every forest pass accompanying imports of forest produce is, legally speaking, null and void as soon as the period for which it was granted expires. A renewed pass is requisite to cover the forest produce to which it relates. But when the delay in transit is such as could not have been foreseen and is due to no fault of the person in charge, it would not be equitable to enforce penalties.‡

292. Government have no power to direct that a pass or permit shall be required for moving cart-loads of wood within forest limits, and the proper remedy to prevent cart-loads going beyond forest limits without a pass is to watch the forests carefully as the Government of India have already pointed out.§

293. If wood is brought into one forest from another it has moved out of forest limits.||

294. Land which is declared to be a reserved or a protected forest does not cease to form part of the village in which it was originally situated merely because it becomes a forest. Therefore proviso (c) to No. 3 of the rules under section 41 of the Forest Act dispenses with the necessity of a pass for timber taken from a reserved or protected forest to any other part of the same village in which such forest is situated.¶

* Letter from the Diwan of Baroda, No. 2265, dated 10th October 1894.

† Government of India, Home Department, No. 532-F, dated 20th June 1883, *vide* Government Resolution No. 5210, dated 12th July 1883.

‡ L. R. No. 1646, dated 22nd December 1883, *vide* Government Resolution No. 470, dated 18th January 1884.

§ Government Resolution No. 7322, dated 15th October 1886.

|| Government Resolution No. 1384, dated 4th March 1887.

¶ L. R. No. 558, dated 3rd May 1886, *vide* Government Resolution No. 3806, dated 26th May 1886.

VI. Section 41, Rules regulating Forest Produce in Transit.

A. GENERAL—concluded.

295. Railway Companies have not been exempted from the operation of the rules for regulating the transit of timber and other produce published under section 41 of the Forest Act, and it is the duty of the Conservator of Forests to enforce obedience to those rules on the part of the Railway officials, and to seize and detain Railway wagons in which timber, or other forest produce, may be transported in contravention of them. Railway officials, like other persons, must comply with the provisions of the law.*

B. Rules for Transit of Forest Produce.

296. Notification No. 4133, dated 9th August 1880, *Bombay Government Gazette*, 1880, Part I, page 689.—Under the provisions of section 41 of the Indian Forest Act, VII of 1878, His Excellency the Right Honourable the Governor in Council is pleased, with the previous sanction of the Government of India, to make the following rules (see note) for regulating the transit of timber and other forest produce:—

NOTE I.—These rules are not in force in Ahmedabad, Kaira and Broach Districts, *vide* Notification No. 2430, dated 22nd March 1883.

NOTE II.—See Appendix B, section 297, page 187, for rules in force in Sind.

1. All words used in these rules and defined in the Indian Forest Act, VII of 1878, as amended by the Forest Act V of 1890, shall be deemed to have the meaning attributed to them respectively by the said Act amended as aforesaid.†

2. No timber or other forest produce shall be moved into or from any districts in the Presidency of Bombay mentioned in Appendix A, section 296a, page 184, except by the routes therein respectively specified, or by such routes as may be entered in the pass by the Conservator of Forests or by any officer of Government authorized by him in that behalf.‡

3. No timber or other forest produce shall be moved within any district of the Bombay Presidency except within the limits of a Reserved Forest (whether a village forest or not) or of a Protected Forest, and except as is hereinafter otherwise provided; no timber or other forest produce shall be moved from or into any such district without a pass from a Conservator of Forests, or from some officer empowered by a Conservator of Forests, or from some persons duly authorized under Rule 13 to issue such pass, nor otherwise than in accordance with the conditions of such pass:

* Government Resolution No. 5663, dated 5th August 1889.

† Rule 1 is here given as amended by Notification No. 5586, dated 24th July 1895.

‡ The last sentence of this rule has been added, *vide* Notification No. 1095, dated 22nd February 1881.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—continued.

Provided that nothing in this rule shall be deemed—

Forest produce for which transit passes are not required, (1) to apply to timber or forest produce which is the property of Government; or

(2) to apply to timber or other forest produce, the property of one person, or the joint property of two or more persons, which is conveyed in quantities not exceeding one head-load once in twenty-four hours; or

(3) to require a pass for the removal of any timber or other forest produce within the limits of the village in which it was produced.

Every pass shall contain this information, 4. Every pass issued under the last rule shall specify—

(1) the name of the person to whom such pass is granted

(2) the quantity and description of timber or other forest produce covered by it;

(3) the places from and to which such timber or other forest produce is to be conveyed, and the route by which it is to be conveyed;

(4) the period for which such pass is to be in force;

(5) the officer to whom it is to be returned on the expiry of such period, or on the arrival of the timber or other forest produce at its destination, whichever event happens the first.

5. In the case of timber or other forest produce which it is wished to import otherwise than by sea from any place beyond the frontier of British India, no pass shall be issued under Rule 3 unless upon production of a "Foreign Pass" covering such timber, or other forest produce, nor, if such timber be of large scantling, unless it bears a Foreign Property mark.

6. Every Foreign Pass must be in a form, and every such Foreign Property mark must be of a description, which has been registered in the office of Conservator of Forests of the Division into which it is sought to import such timber or forest produce, and such Foreign Pass must bear the signature of some officer or person whose name or *official designation** has been duly registered in the said office as an officer or person duly authorized to sign such passes.

7. Any timber or forest produce which it is wished to import otherwise than by sea from any place beyond the frontier of British India may be conveyed within such frontier by any of the routes named in Appendix A, or by such routes as may be prescribed by the Conservator of Forests or by any officer of Government authorized by him in that behalf as far as

Foreign timber requires "Foreign Pass" when entering British India.

Registration and signature of Foreign Property marks.

When foreign forest produce is imported into British India a pass should be taken at the first depôt.

* The three words in italics were added, *vide* Notification No. 2363, dated 27th April 1881.

† The last sentence was added, *vide* Notification No. 1095, dated 22nd February 1881.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—continued.

the first depôt on such route established under Rule 15, without a pass under Rule 3, if it is conveyed by a foreign pass in proper form and duly signed and if, in the case of timber of large scantlings, it is marked with a registered Foreign Property mark, but not otherwise.

NOTE.—Material of the lopping class and under require no such stamp.

No forest produce to be deposited between the frontier and a depôt. No such timber or forest produce shall be stacked or deposited in any place between the frontier and such a depôt, or be moved beyond such depôt without a pass issued under the said rules.

8. If the Conservator of Forests of the Division shall so direct, no timber of large scantling, which has been imported as aforesaid by any particular route, shall be moved beyond such first depôt without first having a Government transit mark of such description as the said Conservator shall prescribe stamped upon it.

9. In respect of every pass issued under Rule 3, there shall be payable such fee, if any, as the Conservator of Forests shall, from time to time, prescribe with the previous sanction of Government, for each district, and no such pass shall be issued until the fee so prescribed has been paid.

10. No person who belongs to a community to which a village forest is assigned and no inhabitant of a town or village in the vicinity of a Protected Forest, who is permitted to take timber or other forest produce from such forest for his own use, shall be entitled to receive a pass under Rule 3 for the removal of timber or forest produce from such forest to any place beyond the limits of the town or village in which such person resides :

Provided that in the district of Kánara a pass may be issued for moving from the said district any timber which has been given, on Special rules for Kánara, payment of the fees to be hereafter prescribed, for a specific purpose, and has been used by the grantee for that purpose,

but only on payment of an additional fee of 50 per cent. on the amount of the fee originally paid, if such timber is being moved by any person other than the original grantee,—unless the Collector, or the Conservator of Forests, or any of their Assistants or Deputies to whom an application may be made in this behalf, shall be satisfied that such timber is being moved for charitable purpose and shall be of opinion that such additional fee should be reduced or remitted,—in which case a pass may be granted either without additional fee or on payment of a reduced fee as the Collector or other officer aforesaid shall determine.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—*continued.*

In other cases than above mentioned a pass may be granted.

11. In every other case the owner of timber or other forest produce shall be entitled to receive a pass for the same under Rule 3 for any of the purposes for which such passes may be granted.

Rules regarding passes issued for forest produce exported from Kánara.

12. In the district of Kánara, passes under Rule 3 for the moving of timber or other forest produce beyond the inland frontier of the said district will be issued in duplicate, one white and one green, and the date of exit will be recorded on each of such duplicate passes by the Forest Officer at the appointed watch-house on the frontier, and the green pass shall be surrendered by the holder thereof to such officer who shall return it without delay to the office from which it was issued.

Power of the Conservator to authorize issue of transit passes.

13. The Conservator of Forests or any Deputy or Extra Deputy Conservator of Forests especially empowered by him in this behalf may, if he thinks fit, at any time by an order in writing—

(a) authorize any person who is an owner of timber or other forest produce or the agent of any such owner, to issue passes under Rule 3 in respect of any timber or other forest produce which belongs to such person, or to the person for whom such person is agent, and

(b) cancel such authorization.

When the Conservator or Deputy or Extra Deputy Conservator of Forests authorizes any person under clause (a) of this rule he shall furnish such person from time to time with authenticated books of blank printed forms of passes with the particulars required by clauses (4), (5)* of Rule 4 already filled in, and no alteration shall be made by such person in any of the said particulars, or if made, shall have any validity.

The said person shall pay for each such book such sum as shall from time to time be determined by the Conservator of Forests, and, in the event of an order being passed by the Conservator or Deputy or Extra Deputy Conservator of Forests under clause (b) of this rule, shall at once return to the said Conservator or Deputy or Extra Deputy Conservator every unused book and every unused portion of any such book then remaining in his possession, and shall be entitled to receive back the amount paid by him in respect of such unused book or portion of a book.

No pass issued by any such person after the issue of an order under clause (b) of this rule, and no pass issued by him which is not on a form supplied to him as aforesaid, shall have any validity.

Only the sanctioned form of pass is valid.

* The correction made by Government Notification, dated 11th November 1880, has here been entered.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—*continued.*

14. Timber or other forest produce in transit may be stopped and examined at any place by any Forest or Police Officer if such officer shall have reasonable ground for suspecting that any money which is payable to Government in respect thereof has not been paid, or that any forest offence has been or is being committed in respect thereof.
- A pass holder shall show his pass to any authorized officer.

The person in charge of any such timber or other forest produce shall furnish to any such officer all the information which he is able regarding such timber or other forest produce, and if he is removing the same under a pass shall produce such pass, on demand, for the inspection of such officer, and shall not in any way prevent or resist the stoppage or examination of the said timber or other forest produce by such officer :

Information to be furnished when required.

Provided always that no such officer shall vexatiously or unnecessarily delay the transit of any timber or other forest produce which is lawfully in transit, nor vexatiously or unnecessarily unload any such timber or other forest produce, or cause the same to be unloaded, for the purpose of examination.

Prohibiting vexatious examination or delay.

15. The Conservator of Forests may establish at such convenient places as he shall think fit, on the routes by which timber or other forest produce may lawfully be conveyed, depôts to which such timber or other produce shall be taken for all or any of the following purposes (namely) :—
- Fixing depôts and object of doing so.

for examination previous to the grant of a pass in respect thereof under Rule 3 or under Rule 13, or

for determining the amount of money, if any, payable on account thereof to Government, and for the payment of such money, or

in order that any mark required by law or by these rules to be affixed thereto, may be so affixed.

16. A Forest Officer appointed by or under the orders of the Conservator shall have charge of each such depôt, and no timber or other forest produce shall be brought into, stored at, or removed from a depôt without the permission of such officer, and for storing timber or other forest produce in such depôt, and allowing laden carts, or loads or cattle to stand or be deposited therein, such fees shall be payable as the Conservator of Forests, with the previous sanction of Government, shall from time to time notify.
- Depôt Officers and their duties.

17. The Conservator of Forests shall from time to time make known by notification published in the *Bombay Government Gazette*, and locally in such manner as he deems fit, the name and situation of every depôt in his division.
- Notification of places fixed as depôts.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—*continued.*

18. The person in charge of any vessel which carries timber or other forest produce on a river on the banks of which one or more of such depôts are situated, shall call and stop his vessel at each such depôt which he has to pass, in order that the timber or other forest produce may be examined, if necessary, under the provisions of Rule 14, and the person in charge of such vessel shall not proceed with such vessel past any such depôt without the permission of the Forest Officer in charge of such depôt.

Timber laden vessels on a river shall stop, if required, at the depôt.

19. No person shall close up or obstruct the channel or any portion of the bank of any river lawfully used for the transit of timber or other forest produce, or throw grass, brushwood, branches, or leaves into any such river, or do any other act which may cause such river to be closed or obstructed.

Obstruction of floating channels.

20. Any Forest Officer not lower in rank than an * Extra Assistant Conservator of Forests may take such measures as he shall at any time deem to be emergently necessary for the prevention, or removal of any obstruction of the channel, or of any part of a bank of a river lawfully used for the transit of timber or other forest produce, but any such case which is not emergent shall be reported to the Collector, who may by written notice require the person whose act or negligence has caused or is likely to cause the obstruction to remove or take steps for preventing the same within a period to be named in such notice, and if such person fails to comply with such notice may himself cause such measures to be taken as he shall deem necessary.

Cost of removing obstructions to be paid by the offender.

The reasonable costs incurred by a Forest Officer or by the Collector under this rule shall be payable to Government by the person whose act or negligence necessitated the same.

21. Within the limits of any reserved forest or protected forest in charge of the Forest Department and within one mile beyond such limits, no person shall establish a saw-pit, erect any machinery or other plant for the cutting, converting or fashioning of timber, or manufacture charcoal without the previous sanction in writing of a Forest Officer not lower in rank than a Range Forest Officer.†

Prohibiting conversion of material within a mile of forest.

Explanation No. 1.—This rule does not apply to trees when standing or growing within such limits, but only to "timber" as defined in the Act. When

* Read Notification No. 9355, dated 29th November 1892, for the substitution of "Extra" in the place of "Sub."

† Government Resolution No. 4207, dated 25th April 1907.

41.

Page 188.

Foot note '†'.

For "4207, dated 25th April 1907" read "8186, dated 10th September Department."

Page 189.

In Rule 22 *for* the word "Division" *substitute* the word "Circle" and *after* the word "Circle" *insert* the words "or of the Divisional Forest Officer".

In Rule 23 *after* the words "Conservator of Forests" *insert* the words "or the Divisional Forest Officer".

Mark the rules 22 and 23 with the sign ‡ and add to the footnote ‡ Government Resolution, R. D., No. 1383, dated 12th February 1913.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—*continued.*

trees belonging to a private owner within such limits have either fallen or been felled, permission should not be deemed to be required under this rule—

(a) for lopping merely the boughs of such trees for the purpose of facilitating the removal of the uncut timber, or

(b) for cutting and burning the boughs of such trees for *rāb* or *kumri* cultivation.*

Explanation No. 2.—This rule does not apply to the ordinary operations of domestic carpentry, or to other similar work on a small scale.†

22. No timber of a large scantling which does not belong to Government shall be moved from any district of the Presidency of Bombay, unless there is affixed thereto a distinguishable private property-mark of the owner of such timber of a description which has been registered in the office of the Conservator of the Division, nor (if the said Conservator shall so direct) unless there has been made thereupon a Government transit mark of such description as shall from time to time be prescribed in this behalf by the said Conservator.

A private property-mark required on all large scantlings.

NOTE.—Material of the lopping class and under requires no such stamp.

23. The Conservator of Forests shall, upon receipt of an application for registration of any form, mark, or name for the purpose of Rule 6 or Rule 22, inquire into the authenticity of the same, and if he sees no objection shall, on payment by the applicant of such fee as shall from time to time be prescribed by Government, register such form, mark or name in his office.

Duties of a Conservator to register a form, mark or name.

Every such registration shall be held good for a period of one year only.

24. No person other than a Forest Officer whose duty it is to use such marks, shall use any property-mark for timber which is identical with, or nearly resembles any Government transit mark or mark any with which timber belonging to Government is marked; and no person shall, while any timber is in transit under a pass issued under Rule 13, alter or efface any mark on the same.

Use of private property-marks similar to those used by the Forest Department not permitted.

Transit pass: rules applicable to Sind.

25. Nothing in the foregoing Rules 2 to 24—both inclusive—shall be deemed to apply to the Province of Sind.

In that Province the special rules contained in Appendix B, see page 193, shall be applicable.

26. Any person who breaks any of the foregoing Rules 2 to 24—both inclusive—or any of the rules contained in Appendix B shall be punished with

* Explanation added, *vide* Government Resolution No. 2204, dated 25th March 1899.

† See Government Resolution No. 4913, dated 15th May 1908.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—continued.

imprisonment for a term which may extend to six months, or a fine which may extend to five hundred rupees, or both.

27. Repealed by Bombay Act III of 1886.

APPENDIX A. (See RULE 2, PAGE 176.)

Roads by which forest produce may be removed in the Bombay Presidency.

296a. Routes by which alone timber and other forest produce may be moved into or from any of the following districts (namely):—

1. *Thána District.*

- | | |
|--------------------------------|-------------------------|
| 1. G. I. P. Railway Line. | 10. Aпти Bandar. |
| 2. B. B. & C. I. Railway Line. | 11. Dysar Bandar. |
| 3. Bombay and Agra Road. | 12. Manor Bandar. |
| 4. Bombay and Poona Road. | 13. Sayeli Bandar. |
| 5. Panvel and Campooli Road. | 14. Morambe Bandar. |
| 6. Bhor Ghát. | 15. Battan Bandar. |
| 7. Kusur Ghát. | 16. Mori Bandar. |
| 8. Sanján Bandar. | 17. Joo Nandruk Bandar. |
| 9. Sowta Bandar. | 18. Pishi Bandar. |

2. *Kolába District.*

- | | |
|-------------------------------|---------------------|
| 19. Pen and Campooli Road. | 26. Pimpri Ghát. |
| 20. Páli and Nágothna Road. | 27. Alibág Bandar. |
| 21. Dharamtar and Pen Road. | 28. Durshet Bandar. |
| 22. Mahád-Warandha Ghát Road. | 29. Amba Creek. |
| 23. Mahád and Ratnágiri Road. | 30. Revdanda Creek. |
| 24. FitzGerald Ghát Road. | 31. Dige Creek. |
| 25. Alibág and Revas Road. | 32. Sáitri River. |

3. *Ratnágiri District.*

- | | |
|------------------------------|-----------------------|
| 33. Ratnágiri-Poládpur Road. | 42. Anjarle Bandar. |
| 34. Harnai Bandar. | 43. Anjanvel Bandar. |
| 35. Khed-Amboli. | 44. Jaygad Bandar. |
| 36. Chiplún-Kumbár Ghát. | 45. Ratnágiri Bandar. |
| 37. Amba Ghát, Ratnágiri. | 46. Purangad Bandar. |
| 38. Bowra Ghát. | 47. Jaytápур Bandar. |
| 39. Phonda Ghát. | 48. Viziadurg Bandar. |
| 40. Vengurla, Belgaum. | 49. Málwan Bandar. |
| 41. Bánkot Bandar. | |

4. *Khándesh District.*

- | | |
|-----------------------------|---------------------------------|
| 50. G. I. P. Railway Line. | 54. All roads upon which Forest |
| 51. Bombay and Agra Road. | Depôts may from time to |
| 52. Taloda-Kukarmunda Road. | time be established under |
| 53. Shaka-Isarvari Road. | Rule 15. |

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—*continued.*

5. *Násik District.*

- | | |
|---------------------------|---------------------------------|
| 55. G. I. P. Railway. | 60. Kanchan Ghát. |
| 56. Bombay and Agra Road. | 61. Saibari Ghát. |
| 57. Bari Ghát Road. | 62. Bábulna Ghát. |
| 58. Násik-Sangamner Road. | 63. Nándgaon-Aurangabad. |
| 59. Chip Ghát. | 64. Dhond-Manmád State Railway. |

6. *Ahmednagar District.*

- | | |
|---------------------------------|---------------------------------|
| 65. Dhond-Manmád State Railway. | 69. Ahmednagar-Poona Road. |
| 66. Násik-Ahmednagar Road. | 70. Ahmednagar-Aurangabad Road. |
| 67. Násik-Poona Road. | 71. Akola-Bari Ghát Road. |
| 68. Manmád-Dhond Road. | |

7. *Poona District.*

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| 72. G. I. P. Railway Line. | 78. Poona-Pimpari Ghát. |
| 73. Dhond-Manmád State Railway. | 79. Poona and Sátára Road by Kátraaj Ghát. |
| 74. Málsej Ghát. | 80. Poona and Sholápur Road. |
| 75. Brámanwáda Ghát. | 81. Níra Bridge Road. |
| 76. Poona-Násik Road. | 82. Supa-Dhond Road. |
| 77. Poona-Panvel Road. | |

8. *Sátára District.*

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|---------------------------------|-----------------------------|
| 83. Poona-Kolhápur Road. | 91. Tivra Ghát-Sátára Road. |
| 84. Shervat-Waranda Ghát. | 92. Chiplún-Karád Road. |
| 85. Bhor-Pandharpur Road. | 93. Várna Valley Road. |
| 86. Sátára-Pandharpur Road. | 94. Mála Ghát. |
| 87. Sátára-Bijápur Road. | 95. FitzGerald Ghát. |
| 88. Níra Bridge-Pusesávli Road. | 96. Koyna River. |
| 89. Umraj-Pandharpur Road. | 97. Varna River. |
| 90. Amboli Ghát-Sátára Road. | |

9. *Sholápur District.*

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| 98. G. I. P. Railway. | 104. Pandharpur-Sátára Road. |
| 99. Sholápur-Poona Road. | 105. Pandharpur-Phaltan Road. |
| 100. Sholápur-Secunderabad Road. | 106. Sholápur-Karmála and Ahmednagar Road. |
| 101. Sholápur-Bijápur Road. | 107. Bársi-Yedshi Road. |
| 102. Pandharpur-Bijápur Road. | |
| 103. Pandharpur-Pusesávli Road. | |

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—continued.*10. Surat District.*

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| 108. Tápti River.
109. Bánsda-Bilimora and Bulsár Road.
110. Dharampur and Bulsár Road.
111. Auranga River. | 112. Ambika River.
113. Peint, Párdi and Umarsádi Bandar Road.
114. B. B. & C. I. Railway. |
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The roads on which the following Forest Depôts are established, *viz.*—

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| 1. Wagai.
2. Jakria Bari.
3. Bábulna Ghát.
4. Karjai. | 5. Amoonia.
6. Kanchan Ghát.
7. Chip Ghát. |
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11. Panch Maháls District.

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| 115. Dohad-Páli Road.
116. Godhra-Baroda Road. | 117. All roads upon which Forest Depôts may from time to time be established under Rule 15. |
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12. Kánara District.

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| 118. Tinai Ghát Road.
119. Majali Road.
120. Mouth of the Kálinadi River, Sadáshivgad, Kodibág and Kudra Bandars.
121. Kárwár Bandar.
122. Belikeri Bandar.
123. Ankola Bandar.
124. Mouth of the Gangavali River, Munjgooni, Gangavali, and Gundbala.
125. Mouth of the Tudri River, Tudri, Agnáshini, Mirjan, Hegde, Dewgi, Mouki and Oopinputtum Bandars.
126. Mordeshwar Bandar.
127. Mouth of the Venktápur River (Sheráli and Venktápur Bandars).
128. Bhatkal River (Bhatkal Bandar).
129. Gersapa Ghát Road to Talgoopa (Gersapa and Honávar Bandars). | 130. Siddápur Road to Sorub <i>viá</i> Warda.
131. Sirsi to Sorup <i>viá</i> Banvasi.
132. Sirsi to Sammasgi <i>viá</i> Dasankop.
133. Sirsi to Hángal and Bankápur <i>viá</i> Pála.
134. Katur to Murguddi.
135. Mundgod to Bankápur <i>viá</i> Sauvalli.
136. Mundgod Turrus <i>viá</i> War-gatti.
137. Yellápur to Hubli <i>viá</i> Kirvatti.
138. Haliyál to Dhárwár <i>viá</i> Mávinkop.
139. Haliyál to Belgaum-Madan-halli.
140. Unshi Ghát Road <i>viá</i> Supa and Shitovde to Belgaum.
141. Supa <i>viá</i> Jagalbet, A'mod and Hemarge to Khánápur. |
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VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—continued.*13. Dhárwār, Belgaum and Kaldāgi Districts.*

Every made road maintained from Imperial, Provincial, Local or Forest Funds, and, with the special permission of the Conservator of Forests, any other road.

APPENDIX B. (See RULE 25.)*Special Rules under section 41 of the Act for the Province of Sind.*

297. 1. All words used in these rules and defined in Act VII of 1878 (The Indian Forest Act) as amended by the Forest Act V of 1890, shall be deemed to have the meaning respectively attributed to them by the said Act, amended as aforesaid.*

2. No timber or charcoal shall be brought within the municipal limits of the cities of Shikárpur, Sukkur, Rohri and Hyderabad except by the roads and landing-places below mentioned (namely):—

Roads.	Landing-places.
Shikárpur, A'bán, Meláni, and Ruk Road ...	On the Sind Canal at Lakhi Tor.
Sukkur, A'bán, Meláni, and Shikárpur Roads.	Sukkur Bandar.
Rohri—Multán Road	Rohri Bandar.
Hyderabad—road over old Phuleli Bridge,	Gidu Bandar, and near Bridge
road over new Phuleli Bridge, Hajipur	over the new Phuleli.
Road, Gidu Bandar Road.	

3. No person shall remove any timber or charcoal from any Reserved or Protected Forest without a pass signed by the Forest Officer in charge of such forest, or otherwise than in accordance with the conditions of such pass.

Pass required to remove timber or charcoal from forest.

Every such pass shall specify—

- (1) the quantity and description of the timber or charcoal which it covers,
- (2) the name of the person removing such timber or charcoal,
- (3) the name of the forest from which it is removed, and
- (4) its destination.

* Notification No. 5586, dated 24th July 1895.

† The word "or" was substituted for "and" by Notification No. 532, dated 25th January 1882.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—*continued.*

4. No person who wishes to remove any timber sufficient to make a cart or camel-load from any land which is not included in a Reserved or Protected Forest, shall remove the same from or to any place within twenty miles from a Reserved or Protected Forest, without obtaining from the holder or manager of the land, or if such land be Government waste land, from the Tapedār of the tapa, a written certificate setting forth the quantity and description of the timber to be removed and the date of its removal.

Transit passes required within a radius of 20 miles of forest.

5. No person shall bring firewood or charcoal, the produce of any land not included in a Reserved or Protected Forest for sale into the cities of Shikārpur, Sukkur, Rohri or Hyderabad without a pass signed by a Forest Inspector, or a Tapedār, and setting forth the quantity and description of the firewood or charcoal covered thereby.

Pass required when importing wood into certain cities.

6. Every person in charge of any timber or charcoal to which any of the last three rules is applicable, shall retain the pass or certificate relating to such timber or charcoal in his possession so long as the same is in transit and shall, on demand, produce the pass or certificate for inspection by any Forest or Police Officer, and if such timber or charcoal is being conveyed into the city of Shikārpur, Sukkur, Rohri or Hyderabad, shall produce the pass or certificate at the stations, called "guard," established on the routes leading to those cities for examination.*

Rule for submission of passes.

According to Notification No. 5954, dated 10th October 1881, the following additions have been made to the rules for Sind (namely) :

Power of Conservator to authorize certain persons to issue passes.

The Conservator of Forests may, if he thinks fit, at any time by an order in writing—

(a) authorize any person who is the owner of timber, charcoal or other forest produce, or the agent of any such owner, to issue passes for the moving of any timber, charcoal or other forest produce which belongs to such person or to the person for whom such person is agent, and

(b) cancel such authorization.

Supply of blank pass books and the information required to be filled in on the same.

When the Conservator of Forests authorizes any person under clause (a) he shall furnish such person from time to time with authenticated books of blank printed forms of passes.

Every pass issued by a person authorized under clause (a) shall specify :

1st. The name of the person to whom such pass is granted.

2nd. The quantity and description of timber, charcoal or other forest produce covered by it.

* Notification No. 4133, dated 9th August 1880.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—*continued*.

3rd. The places from and to which such timber, charcoal or other forest produce is to be conveyed and the route by which it is to be conveyed.

4th. The period for which such pass is to be in force.

5th. The officer or person to whom it is to be returned on the expiry of such period or on the arrival of the timber, charcoal, or other forest produce at its destination, whichever event happens the first.

The person authorized to issue passes shall pay for each book of passes such sum as shall from time to time be determined by the Conservator of Forests, and in the event of an order being passed by the Conservator of Forests under clause (b) shall at once return to the said Conservator every unused book and every unused portion of any such book then remaining in his possession, and shall be entitled to receive back the amount paid by him in respect of such unused book or portion of book.

No pass issued by any such person after the issue of an order under clause (b) and no pass issued by him which is not on a form supplied to him as aforesaid shall have any validity.*

297a. (1) Any trader wishing to export *harda* or other forest produce imported from Native States under cover of a foreign pass shall submit a written application, duly dated, accompanied by the foreign pass to the talāti of the village of *Khāre-pātan* in the *Devgad Taluka* of the *Ratnāgiri District*.

(2) The talāti of the aforesaid village on receipt of such application, shall at once issue the necessary export pass to the applicant and as soon as possible afterwards forward to the Mámlatdār the application together with the foreign pass received from the applicant, endorsing on the latter the number and date of the export pass issued.

(3) When the produce reaches the port named in the export pass issued by the talāti of the aforesaid village, the Customs office at such port shall check the produce with the pass, retaining the latter and issuing a shipment bill with an endorsement upon it quoting the number and date of the export pass.

(4) After issue of the shipment bill the Customs office concerned shall at once forward the export pass to the Mámlatdār who shall check the date of issue shown on the pass with the endorsement made by the talāti of the aforesaid village on the foreign pass according to rule (2). In case of discrepancy or undue delay the Mámlatdār shall take the necessary steps against the talāti issuing the pass.†

* Notification No. 5954, dated 10th October 1881.

† Government Resolution No. 7723, dated 29th July 1908.

VI. Section 41, Rules regulating Forest Produce in Transit.

B. RULES FOR TRANSIT OF FOREST PRODUCE—concluded.

297b. Declaring that rule No. 3 of the rules under section 41 of the Indian Forest Act, No. VII of 1878, regulating the transit of timber and other forest produce published in Government Notification No. 4133, dated 9th August 1880, shall not apply to myrabolams produced within the Ranges of Khed, Junnar and A'mbeegaon and sold on the trees producing them.*

C. Transit by Sea.

298. In exercise of the power conferred by clause (e) of section 157 of the Sea Customs Act, 1878, and in supersession of the rules under the said clause,† the Governor in Council is pleased to make the following rule, viz. :—

Rules regulating forest produce in transit by sea.

No timber, firewood, bamboos, myrabolams, shikákái, charcoal or shembi bark at any place declared under section 12 of the Sea Customs Act, 1878, to be a port or at any Customs port except the Port of Bombay and the Ports in Sind, and in the districts of Ahmedabad, Kaira and Broach may be carried in a coasting vessel,

Shipments of certain forest produce requires a pass attached to the shipping bill.

(a) unless at the time of shipment the shipper appends to his bill a pass in one or other of the forms hereinafter mentioned covering such timber, firewood, bamboos, myrabolams, shikákái, charcoal or shembi bark, or

The Customs Officer may countersign the shipping bill and cancel the pass.

(b) until the Customs Collector at the port of shipment shall have certified by endorsement on the shipping bill that a pass as aforesaid has been produced before him and cancelled by him.

The pass required by this rule shall be either :—

(a) A pass granted by a competent officer under No. 3‡ of the rules framed by Government under section 41 of the Indian Forest Act, 1878, and published by Notification No. 4133, at page 689, of the *Bombay Government Gazette* for 1880, Part I, and under the said section of the said Indian Forest Act, as amended by the Forest Act, 1890, amended by the rule published by Notification No. 5586, at page 818, of the *Bombay Government Gazette* for 1895, Part I, or

Form of pass required for shipment of forest produce.

(b) A pass granted for the purpose of this rule by

(i) a person duly authorized under No. 13 of the said rules under the said Indian Forest Act, amended as aforesaid, or

* Government Notification No. 9813, dated 26th September 1908.

† Notifications No. 5421, dated 5th July 1884; and No. 941, dated 31st January 1885.

‡ See section 296, page 176.

VI. Section 41, Rules regulating Forest Produce in Transit.

C. TRANSIT BY SEA—concluded.

(ii) an officer belonging to one or other of the classes following, that is—

Mámlatdár.
Head Kárkúns.
General Duty Kárkúns.

Talátis.
Kulkarnis.
Mahálkaris.*

299. On careful consideration His Excellency the Governor in Council has come to the conclusion that it is unnecessary to extend the list of articles of minor forest produce for which passes should be required before their export by sea is permitted.†

Shipments of certain minor forest produce do not require passes.

Powers of Officers of the Customs, Salt and A'bkári Departments under sections 41 and 52, Indian Forest Act.

300. Officers of the Customs, Salt and A'bkári Departments should be appointed to be Forest Officers for the purpose of carrying out the provisions of section 52 of the Indian Forest Act, and Rule 14 of the rules under section 41 thereof.

D. Passes and Pass Books.

301. The forest pass required by Rule 3 of the rules under section 41 of the Indian Forest Act, 1878 (Government Notification No. 4133, dated 9th August 1880), for regulating the transit of timber and other forest produce, should be in the following form :—

Form of pass to be used.

FOREST PASS.

No.
From
To
Road

Name of Holder.	Description of Produce.	Quantity.	Value.			Time allowed.
			Rs.	a.	p.	

Camp

Date

Pass to be returned to

Signature.

* Government Resolution No. 9670, dated 1st December 1895.

† Government Resolution No. 1956, dated 24th March 1900.

VI. Section 41, Rules regulating Forest Produce in Transit.

D. PASSES AND PASS BOOKS—concluded.

Pass should be in duplicate. (1) The pass should be in duplicate, so that the outer may be issued and the inner or counterfoil may be retained in the office of issue.

Size of pass. (2) Each pass should measure six inches by four, so that a half sheet of foolscap should contain two duplicate passes.

Size of pass books. (3) The passes should be bound in books of two sizes, viz.—

Small size, containing 12 passes.
Large " " 100 "

Price of books. (4) The charge for passes—*vide* Rule 13—should be at the following rates :—

(a) Single pass	...	...	...	...	2-pies.	3
(b) A book of 12 passes	25	...	...	...	2 annas.	5
(c) A book of 100 passes	5	...	...	...	8 annas.	1

Class of pass according to the colour of the paper. (5) There should be four classes of passes; each should be printed on paper of a different distinguishing colour as under :—

Foreign pass	...	...	...	...	Colour green.
Ināmdār's pass	...	...	...	...	" white.
Mālki number pass	...	...	...	...	" yellow.
Government pass	...	...	...	...	" red.

(6) The office stamp of the Principal Forest Officer of the district from which the pass or pass book is supplied should be imprinted upon the dividing line between the two copies of the pass, so that one-half of the stamps should appear upon the counterfoil and the other upon the duplicate copy issued.

Foreign States may use their own form of pass. There is nothing in the above rules to prevent Foreign States from using their own registered passes in preference to passes obtained from the Forest Department.*

VII. SECTIONS 45 AND 51, RULES REGARDING DRIFT AND STRANDED TIMBER.

302. Flotsam or Jetsam, such as a cask, boat, table or raft, cannot be deemed to be drift timber, within the meaning of section 45 of the Indian Forest Act, 1878. The definition of the word "timber" as regards drift and stranded timber. "timber" in this Act does not imply that cart-wheels, mortars, canoes, etc., are included in the term but merely that all wood, that is to say, the vegetable produce known as "wood" whether it has been cut and shaped for any purpose or is in its pristine form, is timber.

* Government Resolutions No. 1559, dated 8th March 1882; and No. 2977, dated 16th April 1883.

VII. Sections 45 and 51, Rules regarding Drift and Stranded Timber.

For instance no one would describe a derelict as drift wood, though a floating spar, masts, boards, or other parts of boats, beams, rafters, etc., from houses destroyed by floods, or which may have in any way been washed away, might without anything strange in the language be denominated as wood.*

NOTE.—Since this opinion was recorded by the Remembrancer of Legal Affairs, the definition of the term "timber" is given in section 2 of Act VII of 1878, as amended by Act V of 1890, *vis.*, "Timber includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not."

303. (1) Any person may collect timber of any of the descriptions set forth in section 45 of the Act, and, pending the bringing of the same to the proper dépôt for the reception of drift timber, may keep the same in his own custody, but he shall report his having done so within 24 hours to the nearest Forest Officer.

Any person may collect timber as described in section 45 of the Act, subject on certain conditions.

If it appears to the Forest Officer in charge of the Range in which the timber has been found that the cost of collecting and conveying such timber to such dépôt is likely to equal or exceed the probable proceeds of its sale at the dépôt, the timber,

(a) if unmarked, may be sold by or under the orders of the Divisional Forest Officer on the spot where it is found or collected;

(b) if marked, shall not be collected by a Forest Officer.†

303a. (2) Any person may register in the office of the Conservator of Forests one or more boats for use in salving and collecting timber, on payment of a fee of one rupee for each boat.

Registration of boats.

Such registration shall hold good for the period of one year only, but may be repeated from year to year.

303b. (3) Every person, whether a Forest Officer or not who collects any such timber, shall be entitled to receive a recompense equal to 50 per cent. of the estimated value of the timber. Such estimate shall be made by the Forest Officer not lower in rank than an Assistant Conservator of Forests, whom the Conservator specially authorizes in this behalf, and the recompense shall be paid at once by Government:

Extent to which recompense can be sanctioned for salving drift and stranded timber.

Provided that in special cases the Conservator may increase the amount of the recompense to a sum not exceeding 75 per cent. of the value of the timber collected.‡

* L. R. No. 1255, dated 21st September 1882, *vide* Government Resolution No. 6949, dated 6th October 1882.

† The last portion of Rule 1 has been added by Government Resolution No. 4875, dated 23rd January 1896.

‡ Rule 3, as given above, is the amendment made by Notification No. 8574, dated 2nd December 1890.

VII. Sections 45 and 51, Rules regarding Drift and Stranded Timber.

303c. (4) If the timber collected shall be proved to be the property of any person other than Government, such person shall be liable to pay to Government, under section 50 of the Act, the following amounts, namely :—

Regarding cost of salving timber.

(a) On account of salving and collecting, the actual amount of recompense paid to the person who collected it ;

(b) On account of moving, the actual cost incurred in moving it to the dépôt for the reception of drift timber ;

(c) On account of storing, such fees as shall from time to time be fixed by the Conservator of Forests, with the previous sanction of Government, for the storing of timber at such dépôt.

303d. (5) No person other than a Forest Officer authorized in this behalf by the Conservator of Forests shall mark any timber, or have in his possession any hammer for marking any timber to which these rules refer.

Regarding marking of drift and stranded timber.

303e. (6) Any person who breaks Rule 1 or Rule 5 shall be punishable with imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees or both.*

Punishment for breaking Rule 1 or 5.

Additions to rules set forth in sections 303 to 303e for control of drift wood on the River Indus.

304. The following additions have been made to the the above rules regarding drift and stranded wood on the River Indus, namely :—

(1) The Registrar of Boats on the River Indus shall, for the purpose of section 45 of the Indian Forest Act, 1878, be a Forest Officer entitled to collect all timber found a drift, beached, stranded, or sunk on, or on the banks or islands of, or in, the River Indus, and its tidal channels.

Registrar of Boats.

(2) With the sanction of the Commissioner in Sind, the Registrar of Boats may grant permission to any person to collect such timber as aforesaid, subject to the provisions of the Indian Forest Act, 1878, and of all rules in force thereunder.

Permission to collect timber.

(3) With the like sanction the Registrar of Boats may sell or otherwise dispose of any such timber as aforesaid, the ownership of which vests, or, under section 48 of the Indian Forest Act, 1878, shall have vested, in Government.

Right to sell dispose of timber.

(4) Subject to provisions of Rule 5, every person who collects, moves, stores or disposes of any such timber as aforesaid without permission of the Registrar of Boats, or other-

Penalty.

VII. Sections 45 and 51, Rules regarding Drift and Stranded Timber.

wise than in accordance with the provisions of the Indian Forest Act, 1878, and the rules thereunder, shall be punished for each offence with a fine which may extend to twenty rupees.

(5) Nothing in Rule 4 shall render it punishable for the inhabitants of the island of Sadhbella in the River Indus to collect drift wood floating on to or close to the island, provided that boats are not used for the purpose.*

Exemption.

VIII. SECTION 55, CONFISCATED PROPERTY.

305. A person cleared and cultivated a piece of land situated in a forest reserve. He was convicted and punished under section 25 of the Forest Act. The crop, too, raised on the land was cut and attached. The question was raised whether the crop came within the definition of forest produce as given in section 2 so as to allow of its disposal under section 55. The following opinion (No. 1060, dated 9th August 1884) was recorded by the Remembrancer of Legal Affairs :—

"The definition of the term 'forest produce' given in the Forest Act is not exhaustive, and reading the term in its ordinary sense it means anything which is produced in a forest, and it, therefore, includes, in my opinion, a crop raised in a forest reserve.

"I agree with the Collector that in the case he mentions the crop is the property of Government by accession, and, therefore, under section 55 of the Act, may be taken charge of by a Forest Officer."†

IX. SECTION 57, PERISHABLE MATERIAL.

306. The Divisional Forest Officers have been directed to see that in case any articles seized under section 52 of the Indian Forest Act, is subject to speedy decay, the fact is brought to the notice of the Magistrate concerned without delay, and he is requested to dispose of it at once under section 57 of the Act.

Disposal of perishable materials.

The Range Forest Officers should be held responsible for bringing without unnecessary delay to the notice of the Magistrate the fact of such property being in a perishable condition.‡

X. SECTION 63, ARRESTS.

307. A Forest Officer has no authority to keep in confinement any person charged with having committed a forest offence. A person who is arrested by a Forest Officer cannot be said to be 'charged with having committed a forest offence.'

Forest Officers may not keep persons in confinement.

* Notification No. 1111, dated 18th February 1902, *Bombay Government Gazette*, 1902, Part I, pages 297-298.

† Government Resolution No. 1060, dated 9th August 1884, *vide* Government Resolution No. 6910, dated 28th August 1884.

‡ Government Resolution No. 1058, dated 9th February 1897.

X. Section 63, Arrests.

Section 233 of the Indian Penal Code provides for a more serious kind of offence than such an act of negligence as that of a Forest Guard who negligently suffers a person arrested on suspicion of having committed a forest offence to escape, which can only be punished departmentally by fine, suspension or dismissal.*

308. The Conservators of Forests should issue orders to their subordinates that, in cases coming under section 63 of the Indian Forest Act, when the nearest Magistrate's Court is at a distance from the scene of the alleged offence and a Police station is within convenient access, an accused person who is ready and willing to give bail should be taken for that purpose to the Police station.

The Police Superintendents should be directed in communication with the District Magistrates, to issue orders to officers in charge of Police stations requiring them in these cases to take bail in accordance with Chapter XXXIX of the Criminal Procedure Code. It is not desirable to increase the number of Police stations, merely for the sake of giving a wider operation to these orders.†

XI. SECTION 67, POWERS TO COMPOUND OFFENCES.

A. Orders of Government regarding compounding cases and prosecution of offences.

309. (1) It is in the opinion of His Excellency the Governor in Council most undesirable that ignorant villagers should be prosecuted in the criminal Courts for taking from the Government forests a few twigs or small branches, or a little brushwood of inappreciable value. Such injudicious severity on the part of the Officers of the Forest Department is calculated to do more harm than good and to excite widespread dissatisfaction and angry feelings. In no instance, at all events, should a person be prosecuted for a first offence of so exceedingly trivial a nature. A warning on the part of the Forest Officer would suffice. But if after being detected and warned once or twice, the same person is again discovered cutting Government trees the circumstances of the case would be altered, and wilful and repeated infractions of the law may form a suitable and proper ground for criminal prosecution. As far as possible, however, such prosecutions should be avoided, and recourse should only be had to them when real injury is being caused to the Government forests, and when there is good reason to believe that the offender is deliberately and of set purpose transgressing the law.

* L. R. No. 1049, dated 5th September 1881, *vide* Government Resolution No. 5459, dated 21st September 1881.

† Government Resolutions No. 1702, dated 4th March 1884; and No. 8279, dated 2nd December 1885; and Government Notification No. 10364, dated 24th December 1885.

XI. Section 67, Powers to compound offences.

A. ORDERS OF GOVERNMENT REGARDING COMPOUNDING CASES AND PROSECUTION OF OFFENCES—*continued.*

- 309a.** (2) His Excellency the Governor in Council desires that these orders be strictly observed by all officers, concerned, and should be applied to cases reported for departmental disposal by Forest Officers empowered under section 67 of the Forest Act as well as to prosecutions in the Magistrate's Court.

The gravity of the case is not always represented by the money value of the damage.

Arrests and punishments of all kinds for *trivial* forest offences should be avoided. It must at the same time be remembered that the gravity of a forest offence is not always to be measured by the amount of actual damage done to forest property. When mischief of even small actual money value has been deliberately committed, or when there has been persistent infraction of forest rules, the breach of law is aggravated by the intention with which it was committed and the offender may properly be punished. But it is necessary that punishment should be preceded by judicial investigation and that in cases of the kind just noticed the intentions of the offenders as well as their acts should be weighed, on the consideration of evidence recorded under the sections prescribed by the law and after the accused persons have had opportunity for making their defence in the presence of the adjudicating officers. The Magistrates' Courts established in every taluka afford sufficient and accessible means for the trial of cases of forest offences in which Forest Officers may consider the infliction of punishment to be necessary, and the Governor in Council sees no reason in the circumstances of the forests of the Presidency that would call for the removal of such cases from the cognizance of the regular Courts and their reference to departmental tribunals specially constituted under the provisions of the Forest Act.

- 309b.** (3) On the other hand, the Governor in Council is not prepared to accept at once the recommendation that the operation of section 67 should be placed in absolute abeyance. The Governor in Council does not contemplate the punishment of *trivial* forest offences either through prosecutions in the Magistrates' Courts, or through departmental proceedings; but the Government would not object, in the case of offences in which substantial damage has been done to the forests, or the payment of forest dues has been evaded, under circumstances that do not call for the infliction of exemplary or deterrent punishment, to their being compounded by the acceptance of compensation equivalent in value to the damage done or the amount of the dues evaded. It appears that the provisions of section 67 may probably be worked with benefit to the subject and to the Forest Department in a number of cases, under the limitation abovementioned and provided that the proceedings of Forest Officers under that section are subjected to the supervision of the Collectors.

- 309c.** (4) The attention of officers exercising the powers prescribed by section 67 of the Forest Act is directed to the observations in paragraphs 5 and 10 of the report [given below] of the Remembrancer of Legal Affairs, No. 1246, dated 25th August 1892.

Warning to Forest Officers to be careful in exercising powers under section 67 of the Act.

XI. Section 67, Powers to compound offences.

A. ORDERS OF GOVERNMENT REGARDING COMPOUNDING CASES AND PROSECUTION OF OFFENCES—*continued.*

It is open to serious question whether some Forest Officers have not exceeded their lawful powers in making arrests and detaining offenders and in holding inquiries into alleged forest offences, as well as in paying rewards for detection out of amounts accepted as compensation. The attention of all officers concerned is directed to the observations on these points in paragraphs 6, 7, 8 and 10 [given below] of the report of the Remembrancer of Legal Affairs above referred to.*

Extract paragraphs 5 to 10 of the report of the Remembrancer of Legal Affairs, No. 1246, dated 25th August 1892.

"5. The alternative to payment of compensation is prosecution, and the suspected offender would necessarily be aware that he was liable to prosecution unless compensation is accepted. It rests with the suspected offender to elect whether he will await a judicial decision or tender compensation, and with the officer empowered to consider whether the tender should be accepted. Neither threat of prosecution nor demand of compensation is contemplated by the section.

No rewards can be given out of compensation.

"6. It is not, I trust, out of my province to note that the practice referred to in paragraph 10 of the Minute, under which 'sums realized as compensation are usually distributed as rewards among the forest subordinates who detected the cases,' is utterly illegal, as even the Local Government has no power to direct rewards to be paid to officers and informers out of the sums realised under section 67 as compensation. Such power exists under section 75 only as to rewards to be paid out of *finer and confiscations* which must be regulated by rules. The Legislature has evidently not thought fit to give the Forest Department power both to assess and to distribute sums accepted in *compensation*.

NOTE.—See section 310. Rewards may be granted from funds specially provided.

"7. In the second part of paragraph 13 it is observed that the second sub-clause of section 63 directs persons arrested for forest offences to be taken or sent without unnecessary delay before the Magistrate having jurisdiction. Section 12 of Act V of 1890 adds the words 'or to the officer in charge of the nearest Police station'. The power of arrest exists only where there is reasonable suspicion against the person arrested of his having been concerned in a forest offence punishable with imprisonment for one month or upwards. The Act gives no power of detention or restraint for the purposes described in the third part of paragraph 11 of the Minute, and for mere *cattle trespass*, unaccompanied by opposition to seizure, or by rescue after seizure, except when it is permitted by the offender within the meaning of section 25 (d) or section 32 (g), it is difficult to see how there can be any power whatever to arrest.

XI. Section 67, Powers to compound offences.

A. ORDERS OF GOVERNMENT REGARDING COMPOUNDING CASES AND PROSECUTION OF OFFENCES—*continued.*

"8. With reference to the part of paragraph 13 marked '3rd', I think there can be no doubt that Forest Officers have no power, and cannot be given power, to hold Pancháyats, accept bail or release on bail, accused persons. A strict construction must be placed on section 71, as on all enactments conferring special powers.

Concerning Pancháyats.

Maxwell on interpretation of statutes, 358 *et seq.*

No special power is necessary to authorize Forest Officers to take the opinion of a Pancháyat for their own information or that of their superiors. But special power would be requisite and is not given to compel the attendance at such Pancháyat of the accused. The attendance of witnesses as to the amount of damage might be enforced by officers specially empowered in that behalf under section 71 (a).

"9. There can be no doubt, as observed in paragraphs 13, '4th', that the acceptance of compensation by officers not empowered by name or as holding an office to accept compensation is clearly illegal, and when payment to such unempowered officers is induced by threat of prosecution or by restraint, it might amount to an offence under the Indian Penal Code.

Compensation can only be taken by authorized officers.

"10. No detention would be justifiable for the purpose of inducing suspected offender to accede to a particular demand for compensation, nor does section 67 appear to contemplate any demand even by an officer empowered to accept."*

Persons cannot be detained in order to make them comply with such terms.

310. The remarks in Government Resolution No. 7907, dated 6th October 1892 [given above], purported to draw attention to the apparent illegality of what was supposed to be the practice of the Department, *vis.*, to apply sums realized and compensation for damages, as distinguished from fines, directly to the payment of rewards. They were not intended to be read as withdrawing from Forest Officers the power to granting rewards out of funds provided for the purpose.†

Rewards.

311. In cases compounded under section 67 of the Indian Forest Act, rewards may be granted in accordance with the following rule :—

Rewards to informers in cases which have been compounded.

Rewards to persons contributing to the detection of a case may be given up to a maximum in each case of Rs. 10 and within the limit of the sum realized by the Divisional Forest Officer, and above Rs. 10 and within the limit of the sum realized, by the Conservator.‡

* Government Resolution No. 7907, dated 6th October 1892.

† Government Resolution No. 3920, dated 30th May 1893.

‡ Government Resolution No. 8568, dated 16th December 1887.

XI. Section 67, Powers to compound offences.

A. ORDERS OF GOVERNMENT REGARDING COMPOUNDING CASES AND PROSECUTION OF OFFENCES—*continued.*

312. The principles given below consisting of paragraphs 7 to 14 of the report of the Remembrancer of Legal Affairs, No. 1512, dated 17th October 1892, are in accordance with the instructions conveyed in Government Resolution No. 7907, dated 6th idem, and have the approval of Government.

Opinion of the Remembrancer of Legal Affairs on powers conferred by section 67.

The officers empowered under section 67 of the Indian Forest Act should, subject to the procedure laid down in the rules on the subject, satisfy themselves by correspondence as to the facts in each case. They must properly take into consideration consequential or prospective as well as actual damage in deciding whether amounts offered should, or should not, be accepted as compensation for offences committed in stay of further proceedings.*

Determining the gravity of an offence.

Extract from the report of the Remembrancer of Legal Affairs, paragraphs 7 to 14, No. 1512, dated 17th October 1892 :—

(7) One of the objects which Government evidently had in view in directing such departmental enquiry was to prevent compensation being taken in cases which a Court would treat as too trivial to call for punishment. In other words, the departmental enquiry is deemed necessary to ascertain in each case that the offer of compensation has not been improperly induced.

Reasons for the necessity of such departmental inquiries.

(8) The Act requires no inquiry whatever. The only limit which section 67 (a) imposes on officers is a pecuniary limit. The Legislature presumably considers that a man would not be likely to offer more than he would expect to lose by a judicial decision. The suspected offender is left to judge for himself as to the adequacy of his offer.

Regarding the extent of compensation liable to be paid.

(9) But, then, the Legislature presupposes that no demand will be made or pressure used on part of the officer empowered to accept compensation.

No pressure to be used on the part of the officer empowered.

(10) The section, in empowering acceptance by implication, requires that the offer should originate spontaneously with the person suspected.

The offer should be spontaneous.

(11) If in practice it could be confidently expected that suspected offenders would always be left thus entirely to exercise their own free will and judgment, there might be little cause for fear that the sums offered and accepted would be unduly penal in amount.

The ideal practice.

(12) But since this ideal freedom of will is not invariably secured in practice, the only means to guard against the exercise of pressure by subordinates seems to be to require officers empowered to accept compensation to ascertain—

(a) That appreciable damage has been done.

(b) That the offer made is not disproportionately high.

Control of Forest Officers by the Executive Government.

(13) As pointed out in paragraphs 3 and 4 of my No. 1246 of 25th August 1892, the Legislature have left to the Executive Government the power of supplementing the Act in the regulation and control of Forest Officers.

* Government Resolutions No. 8626, dated 3rd November 1892; and No. 1355, dated 17th February 1893.

XI. Section 67, Powers to compound offences.

A. ORDERS OF GOVERNMENT REGARDING COMPOUNDING CASES AND PROSECUTION OF OFFENCES—continued.

(14) The Act itself implies that there should be no demand or pressure on the part of Forest Officers. It would be unnecessary and out of place to prohibit by rules action which the Legislature has by implication left unauthorized. But it is within the legitimate scope of rules to provide procedure to guard against such unauthorized action.

313. The operation of section 67 of the Indian Forest Act requires to be carefully watched; and any tendency to have recourse to this mode of settlement in doubtful cases where the evidence would be insufficient to secure conviction before Magistrates must be promptly repressed. "Reasonable suspicion," of the commission of a forest offence is essential in every case compounded under section 67, Indian Forest Act.*

314. A Forest Officer duly empowered under section 67 of the Indian Forest Act is authorized to accept *money* and not a *promise* to pay the same. If no money is paid and accepted by way of compromise under section 67, the only alternative for the Forest Officer would be to prosecute the party concerned. The object of section 67 is evidently to avoid the worry and harassment attendant on prosecutions, and at the same time to guard the interests of Government against present and prospective loss. The settlement to be effected under that section is essentially an amicable settlement, and it entirely depends on the free will and choice of the suspected offender on the one hand and the Forest Officer on the other. To import, therefore, an element of compulsion, such as the recovery of the money by revenue process, is distinctly opposed both to the letter and the spirit of the provisions of section 67.

It is clear from the wording of section 67 that the Forest Officer is not to complete the settlement of the case before receipt of the money agreed on, and that any settlement made by him on the mere promise of a suspected offender is null and void.†

314a. 1. Every case of a forest offence should be reported at once by the Forest subordinate, who becomes aware of it, to the Divisional Forest Officer on a form providing for the following particulars :—

(1) Date, locality, and brief description of the offence.

(2) Name, age, caste, occupation, and residence of the offenders, if ascertained, and brief note of what they have to say, and "whether they desire to compound, and if so what is in his opinion the sum for which they should be allowed to compound (stating the reason for fixing the particular amount) and whether the offenders are willing to pay the sum in question."

(3) Value of damage done, property seized, or due evaded, as estimated by reporting officer, and whether offenders accept that estimate, or demand enquiry.

* Government Resolution No. 1899, dated 13th March 1891.

† Government Resolution No. 5905, dated 29th August 1891.

XI. Section 67, Powers to compound offences.

**A. ORDERS OF GOVERNMENT REGARDING COMPOUNDING CASES
AND PROSECUTION OF OFFENCES—continued.**

(4) Whether offenders have been arrested or not, if so, to what Magistrate or Police station they have been sent, and why arrest was necessary.

(5) Witnesses cited by either side.

(6) Whether any animals have been seized and pounded, and if so, amount of fees and charges recovered, and whether they were paid by the accused or by other people, so far as these particulars may be readily ascertainable.

(7) Any information the reporting officer may be able to supply as to previous warnings or convictions and other points bearing on the questions, whether any, or exemplary, punishment is needed.

2. On this report the Divisional Forest Officer should ordinarily be able at once to endorse his order directing either that no further action should be taken, or that the offer to compound should be accepted, or that magisterial proceedings should be instituted and the Forest subordinate should thereon report the result. It is of course open to him to make enquiry himself or direct enquiry to be made in order to satisfy himself that the report is correct, if he thinks it necessary to do so, but no unnecessary delay in deciding whether to accept the offer to compound or not should be allowed. The order to accept should specify the time within which and the person to whom payment is to be made, failing which magisterial proceedings will be taken. An order to take magisterial proceedings should provide for any further departmental enquiry which the Divisional Officer may consider necessary as a preliminary to doing so, and should such enquiry go to show that a prosecution could not be sustained, a further order to that effect may be passed. But it will not then be open to the Divisional Forest Officer to resort to proceedings under section 67.

3. The report form should be kept in ordinary duplicates, with appropriate headings and columns for the Divisional Forest Officer's register number and orders, and for the further or final reports, the leaves intended to be the office copies being bound and kept as the counterfoil and the loose leaves used for the reports. The bound books would thus form a current and permanent register of all the proceedings of that particular subordinate, which it should be his duty to produce for examination and check both to his own departmental superiors and to District Officers visiting the neighbourhood of his beat.

4. A register in corresponding form should also be kept by the Divisional Forest Officer in which particulars of each case as reported should be posted up with the orders passed on it. A quarterly abstract of this register should be sent to the Collector for inspection in the same way as magisterial returns.

5. In every case in which the Divisional Forest Officer directs further proceedings to be taken, whether under section 67 or magisterially, in a case in which pound fines and charges have been paid, the reasons for doing so should be clearly stated in the order.

XI. Section 67, Powers to compound offences.

A. ORDERS OF GOVERNMENT REGARDING COMPOUNDING CASES AND PROSECUTION OF OFFENCES—concluded.

6. No order should be given to proceed under section 67 in any case in which the Divisional Forest Officer would not be prepared to order magisterial proceedings to be taken under paragraph 2 above, in the event of the accused declining or failing, within a time to be fixed in the order, to comply with the terms of composition offered or agreed to.

7. No restraint should be placed by subordinate forest officers on persons suspected of offences to be made the subject of these reports, except when they fail to satisfy the officer as to their identity and residence or when there is reason to fear they may not be forthcoming when wanted. In such cases the offices concerned should, if the case is one in which in his opinion further proceedings (apart from mere impounding of cattle) are necessary, arrest the offenders and send them to the nearest Magistrate or Police station as required by section 63, making at the same time the usual report to the Divisional Forest Officer. Cases in which the accused has been arrested as above should take their usual course without waiting for the orders of the Divisional Forest Officer. But in case an order to compound is received at any time before such a case is disposed of by the Magistrate having jurisdiction, the Magistrate should be informed of it and asked, if the accused complies with its terms, to discharge him under section 67 (2).

8. The reports proposed above should be prepared by the forest subordinate himself if he can write; if not, by his immediate superior, to whom the facts may be reported verbally if he is within reach, or by the village Kulkarni or Taláti, and when the accused is in attendance, should be read over to him, and countersigned by the Pátíl in token that this has been done before despatch. Any objection the accused may take should be noted.

B. Registration of Offences.

315. The object which Government has chiefly at heart is that people should be protected against the imposition of unnecessary penalties under pretext of composition for trivial offences and against illegal detentions and undue harassment in the course of proceedings taken with a view to such composition.*

Rules regulating the
registration of forest
offences.

It is clear that this object can only be attained if the Divisional Forest Officer is made acquainted with the discovery of an offence at the earliest possible date and thus placed in a position to watch the course of the subsequent enquiry.

I. First Report.

1. Every Forest Guard shall keep a "First Report Book", and immediately on an offence coming to his knowledge shall fill up or cause to be filled up a form of "First Report" which he shall despatch or take to the guard of his round.

First Report.

* Government Resolution No. 4516, dated 15th June 1895.

XI. Section 67, Powers to compound offences.

B. REGISTRATION OF OFFENCES—continued.

2. If the knowledge of an offence is obtained from the report of an informer, the Forest Guard shall proceed at once to the place, and after verifying the report shall make his "First Report" without delay.

3. If the Forest Guard cannot write and can obtain no one to write his Report, he shall at once go to his "Round Guard" and have the Report written by him from his own verbal report.

4. A Guard is personally responsible for the writing and despatch of the First Report. The counterfoil is his voucher for the report having been made.

5. A Guard shall always carry his First Report Book on his person and produce it for inspection on demand by any Government official.

NOTE.—Rules 1 to 5 should be separately printed as slips and pasted on the cover of the First Report Book.

6. This procedure is laid down especially for Forest Guards, who ordinarily are the first discoverers of an offence, but shall also be applicable to any Forest Officer discovering an offence.

7. Immediately on receipt of a First Report, the Round Guard shall enter the facts in his "Enquiry Register" (Rule 11), and shall forward the First Report without delay to the Head-quarters of his Range.

8. The First Report shall on no account be enclosed in a packet with other papers, and the envelope containing it shall be distinctly marked "First Report."

9. The Range Forest Officer (or his Writer Guard, should he be absent on tour) shall enter the facts of the Report in the Range Offence Register (Rule 18) and shall without delay forward the First Report to the Divisional Forest Officer by the first post in an envelope by itself (if necessary, several First Reports may be enclosed in one packet).

10. Immediately on its receipt the Divisional Forest Officer shall enter the facts in the Divisional Offence Register (Rule 22).

II. Enquiry Register and Report.

11. Every Round Guard shall keep an "Enquiry Register," and at the earliest possible date after receipt of a First Report he shall proceed to the spot where the offence has been committed, and complete his Enquiry Register as provided.

Enquiry Register and Report.

12. He will be held responsible that the fullest possible enquiry is made, including the drawing up of the *panchnama*, the recording of statements of the witnesses for the prosecution of the accused and of his witnesses. The offender must always be formally asked to cite witnesses, and should he refuse to do so it should be recorded as part of his statement.

XI. Section 67, Powers to compound offences.

B. REGISTRATION OF OFFENCES—continued.

13. At the same time as the Enquiry Report is sent to the Range Headquarters, a report under section 52, clause 2, Indian Forest Act, shall be submitted to the Magistrate whenever any property has been attached, and a copy of this report shall be attached to the Enquiry Report by the Round Guard.

14. As soon as the enquiry is complete, the Report with its accompanying statements (Rules 12 and 13) shall be forwarded to the Range Forest Officer.

15. No head of the Enquiry Report shall ever be returned blank, for instance "if no previous warning, conviction or reason for special punishment" is known, then a note to that effect must be entered in the Report.

16. No letter or statement of opinion is to accompany the Enquiry Report. Whatever of this nature the Round Guard has to say must be embodied in his statement as a witness for the prosecution and attached to the Report.

17. This procedure is specially laid down for Round Guards who ordinarily carry out enquiries, but it shall also be applicable to any Forest Officer making enquiry.

III. Range Offence Register.

18. Every Range Forest Officer shall keep a "Range Offence Register," and on receipt of the Enquiry Report shall enter the facts therein as provided. The entries in this register will not be copies of those of the Enquiry Report, but a précis of the facts and statements recorded in it.

19. If the Range Forest Officer is aware of any previous warning or conviction (he should always compare the names of offenders with those given in the Register of Offenders kept in each Range Forest Office), or reason for special punishment which has not been recorded by the Round Guard, he shall enter the same in the Enquiry Report over his signature. No addition or alteration may on any excuse be made in the Enquiry Report.

20. If, in the opinion of the Range Forest Officer, the enquiry is complete, he shall forward the Enquiry Report and its accompaniments to the Divisional Forest Officer without delay.

IV. Further Enquiry Report.

21. If, however, he thinks further enquiry is required, he shall on no excuse return the papers to the Round Guard, but shall himself proceed, with the least possible delay, to make such further enquiry and record the result in a "Further Enquiry Report" as provided and forward the Enquiry Report together with his Further Enquiry Report to the Divisional Forest Officer for orders.

XI. Section 67, Powers to compound offences.

B. REGISTRATION OF OFFENCES—continued.**V. Divisional Offence Register.**

22. Every Divisional Forest Officer shall keep a "Divisional Offence Register," and on receipt of the Enquiry Report and its accompaniments, shall complete the entry of the offence therein (the First Report will have already been entered). He shall then record his order on the case and shall return the papers together with a copy of his order (in the form provided) to the Range Forest Officer for disposal.

23. It must necessarily be left to the Divisional Forest Officer to judge what action is necessary, but it is well to point out that (unless the case is a serious one, Rule 25), if the evidence of the Enquiry Report fails to be convincing, even though it may seem to the Divisional Forest Officer that it might be strengthened by further enquiry, it will be better to write off the case under A or B (Divisional Order, Rule 22), and to proceed separately to the Departmental punishment of the subordinates responsible for the failure of justice, rather than to permit the undue lengthening of the case which would result from further enquiry.

24. In no case shall the Divisional Forest Officer return the case for revision to the Range Forest Officer who submitted it.

25. If in the opinion of the Divisional Forest Officer the case is too serious to be written off, or that for any other reason a second enquiry is absolutely necessary, he should, if possible, proceed personally to make it, or, if this is impossible, should depute an Extra-Assistant or a Subordinate (who is not junior to the Range Forest Officer submitting the case) to make a second enquiry. The procedure in the second enquiry should be exactly the same as for the original enquiry—in fact the enquiring officer should proceed exactly as if he had just received a first report of the offence.

VI. Final Report.

26. As soon as the Divisional Forest Officer's order has been carried out, the Range Forest Officer shall return the papers to the Divisional Forest Officer with his "Final Report" in the form provided.

27. When a case is prosecuted before a Magistrate, the papers in the case may be kept by the Court, but in every case the actual Enquiry Report should be retained by the Range Forest Officer and attached to his Final Report together with the judgment certificate.

28. On receipt of the Final Report the Divisional Forest Officer shall complete his Register and file the papers.

XI. Section 67, Powers to compound offences.**B. REGISTRATION OF OFFENCES—continued.****VII. Divisional Quarterly Return.**

29. Every quarter,—that is, on the 1st October, 1st January, 1st April, and 1st July in each year—the Divisional Forest Officer shall submit a Return of Forest Offences to the Conservator through the Collector in the form provided. This return will contain :—

1st. All cases which have been more than three months on the Register (where the cases are still incomplete all particulars should be filled in so far as the entries at date in the Divisional Offence Register will permit).

2nd. All cases registered and completed during the quarter, in the above order.

VIII. General.

30. From the date of the First Report it will be the duty of the Range Forest Officer (and still more of the Divisional Forest Officer) to watch the progress of the enquiry. Should there be delay in the receipt of the Enquiry Report, he should find out the reason; but any reference to this end must be kept entirely distinct from the case, delay in any stage of the proceedings should be punished departmentally by excluding the subordinate responsible from a share in the reward, and also, if necessary, by direct fine.

31. When the Range Forest Officer delays the papers in order to make a further enquiry the Divisional Forest Officer should note especially whether such further enquiry was really necessary. If it was, the Round Guard should be punished; if it was not, the Range Forest Officer should be so. Should a Round Guard constantly send in incomplete inquiries, he should be reduced and warned, and if this has no effect, should be dismissed.

32. It will be noted that this procedure refers exclusively to offences under the Indian Forest Act. It is on no account to be applied to offences under the Indian Penal Code, or any other Act. Any such case which may arise shall immediately on discovery be referred to the Police for enquiry and disposal by the Range Forest Officer, to whom all such cases shall be reported by Forest Guards. When action is taken under this rule by the Range Forest Officer, he shall immediately report in full detail to the Divisional Forest Officer.

315a. 1. In Sind, Forest offences generally consist of—

(a) trivial offences, such as damage to trees, thefts of timber for private use or of Forest produce which the residents of villages on the outskirts of forests wish to appropriate to their own use;

(b) thefts of timber on a large scale, generally instigated by traders or wealthy persons;

(c) breaches of the rules regulating free grazing and illicit grazing.

XI. Section 67, Powers to compound offences.

B. REGISTRATION OF OFFENCES—continued.

2. Most of the offences detected by Forest Guards having a range of from 4 to 5 square miles to look after are of a trivial character, and the offenders are not too ignorant to know that they are committing an offence.

3. Should, therefore, a Forest Guard under section 63 of the Forest Act seize a man in the act of committing an offence which, if it falls under 1 (a), should be dealt with under section 67 of the Forest Act by the officer empowered to act under that section on an enquiry held in the manner hereinafter laid down, the following procedure should be observed :—

(a) A person caught in the act of committing an offence should be taken by the Forest Guard to the Wadero, Headman, Nekmard or Mukhi of the nearest village and in his presence accused of the offence charged. Should the offender confess, his confession should be taken down in writing in the presence of two respectable witnesses and signed by the Wadero, Headman, Nekmard or Mukhi. The offender should then be released and his confession with a report on the offence should be forwarded by the Forest Guard to the Range Forest Officer. The latter, when he next visits the forests, should send for the offender and assemble a Panchayat, consisting of not less than 3 members who should be men of some standing and influence in the community, and in the presence of this assembly ask the offender if he adheres to his original confession. Should the offender adhere to his confession, the Panchayat should be asked to certify to his having done so. A statement describing the damage done should then be drawn up by the Range Forest Officer and each member of the Panchayat should be asked to sign it. It should be submitted to the Divisional Forest Officer, who will fix the amount of the compensation to be accepted from the offender (which should not exceed Rs. 50 in any case) and authorise the Range Forest Officer to accept it.

(b) In the event of the offender offering to pay the compensation fixed by the Divisional Officer, the money should be paid to the Range Forest Officer and credited in his account. If he refuses to pay the compensation fixed the proceedings should be returned by the Range Forest Officer to the Divisional Forest Officer, who should make such enquiry into the matter as he considers necessary and, should he consider the case of sufficient importance, may order the offender to be prosecuted before a Magistrate.

(c) In every case in which property not being the property of Government is seized in connection with a Forest offence, the Forest Guard shall mark it and report the seizure to the Magistrate having jurisdiction to try the offence.

4. Divisional Forest Officers will, however, recollect that it is the desire of Government that trespassers should not be prosecuted for purely trivial offences, such as cutting thorns for a hedge. Unless, therefore, young trees have been lopped or old trees seriously damaged, the Divisional Forest Officer should order a nominal fine or discharge the offender without punishment.

XI. Section 67, Powers to compound offences.

B. REGISTRATION OF OFFENCES—concluded.

5. Cases of suspected offences, *i. e.*, where the person charged denies his guilt, should, if necessary, be referred to a Criminal Court, information being laid by a Forest Officer.

6. Offences falling under 1 (b) should always be referred to a Criminal Court for trial.

7. As regards breaches of the rules laid down respecting grazing [1 (c)], the following procedure should be followed in future :—

All cattle found grazing without passes having been taken out for them, all cattle found grazing in closed blocks or places where grazing is forbidden, all cattle found during the period from the 15th October to the 15th April, both inclusive, grazing between half an hour after sunset and half an hour before sunrise should be impounded. They may, however, be saved from being impounded by the payment of 1 month's fees as a fine, and where a pass has not been taken out the taking out of a pass for not less than 2 months. If they are thus saved, the fact of 1 month's fees having been paid as a penalty and the amount so paid shall be noted on the pass issued.

8. Every officer empowered to act under section 67-A of the Indian Forest Act—

(a) should keep a Register of all enquiries held under these orders ; and

(b) should at the end of each month forward a Return of all cases, in which he or his predecessor in office has during that month accepted compensation under section 67-A, to the Collector and District Magistrate.

9. The Register and Returns should be written in English and in the following form :—

1	2	3	4	5	6	7
Serial No.	Suspected Offender.	Rule or Enactment under which the Suspected Offender is punished.	Date of Suspected Offence.	Date of Enquiry.	Forest Produce damaged.	Compensation accepted.

10. Every officer empowered as aforesaid should forward to the Collector and Magistrate of the District the records of any enquiry held under these orders which the Collector and Magistrate of the District may require for examination.

11. Every monthly Return of cases should, after examination by the Collector and Magistrate of the District and the record thereon by him of his remarks, if any, be forwarded to the Deputy Conservator of Forests, Sind Circle.

12. It will be the duty of the Deputy Conservator of Forests on his tour to ascertain how these orders have been carried out, and the District, Sub-Divisional and Taluka Magistrates should also on their tours make personal enquiry into some of the cases that have been reported in order to see that the proceedings have been regular.

No. 59.

Clause 9. Page 215.

Substitute the following for clause 9 :—

9. The Register and Return should be written in English and be in the form in use in the Presidency Proper.

(Government Resolution No. 51, dated 4th February 1911.)

XII. Sections 69 and 70, Cattle Trespass.

XII. SECTIONS 69 AND 70, CATTLE TRESPASS.

A. Section 69, Cattle Trespass.

316. The attention of the officers of the Revenue, Police and Forest Departments is drawn to the remarks in Government Resolution No. 7232, dated 12th September 1892, regarding the treatment of cases of cattle trespass on forest lands and the necessity is impressed on the Commissioners, Collectors and District Magistrates for the exercise of close and constant supervision over the proceedings of all officers subject to their authority in that and the other matters dealt with in this Resolution.*

NOTE.—The Government Resolution mentioned above deals with the exceptional severity of the Forest Officers, especially of the Deccan, in regard to cattle trespass cases and gives orders to the effect that cattle trespassing in forests, unless under aggravating circumstances, should be treated with consideration and leniency, and that cattle owners should in no case be unnecessarily punished or harassed.

317. In cases of cattle trespass on forest lands, proceedings should ordinarily be taken under the Cattle Trespass Act, and whenever further proceedings against the offenders may be considered expedient, they should ordinarily be by complaint laid before a Magistrate.†

NOTE.—For procedure to be followed in impounding cattle, read sections 286 and 287 of this Chapter.

B. Section 70, Pound Fees.

318. In lieu of the fines fixed by section 12 of the Cattle Trespass Act, the Pound fees in the Thána following pound fees shall be levied in the Thána District, according to powers conferred by section 70 of the Indian Forest Act, No. VII of 1878:—

For each buffalo	...	...	...	1 rupee.
For each horse, mare, gelding, pony, colt, filly, bull, bullock, cow or heifer	...	...	...	8 annas.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid...	...	...	...	4 annas.†

319. In exercise of the powers conferred by section 70 of the Indian Forest Act, No. VII of 1878, the Governor in Council is pleased to direct that in lieu of the fines fixed by section 12 of the Cattle Trespass Act, 1871, there shall be levied in the taluka of the Ahmednagar District entered in the schedule hereto annexed, in respect of animals trespassing in the Reserved Forests mentioned against the

* Government Resolution No. 7907, dated 6th October 1892.

† Government Resolutions No. 8626, dated 3rd November 1892; and No. 1355, dated 17th February 1893.

‡ Government Notification No. 4881, dated 18th July 1891, *Bombay Government Gazette*, 1891, Part I, page 615.

XII. Sections 69 and 70, Cattle Trespass.

B. SECTION 70, POUND FEES—*continued.*

táluka and impounded under section 69 of the Indian Forest Act, fines at the following rates, *viz.* :—

For each buffalo	...	...	1 rupee.
For each horse, mare, gelding, pony, colt, filly, bull,	...	...	8 annas.
bullock, cow or heifer	...	...	4 annas.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid...	...	...	4 annas.

Schedule referred to.

Name of Táluka.	Number.	Name of Reserved Forest.
Nagar	1	Khápurwadi.
	2	Deogaon.
	3	Ratadgaon.
	4	Shendi.
	5	Imámpur.
	6	Gúnjala.
	7	Manjar Sum.
	8	Gospuri.
	9	Chichondi.
	10	Naraindoho.*

320. In exercise of the powers conferred by section 70 of the Indian Forest Act, No. VII of 1878, the Governor in Council is pleased to direct that in lieu of the fine fixed by section 12 of the Cattle Trespass Act, 1871, there shall be levied in the tálukas of the Poona District entered in the schedule here-
to annexed, in respect to cattle trespassing in the Reserved Forests in the said tálukas and impounded under section 69 of the Indian Forest Act, a fine at the following rate :—

For each goat or kid ... 4 annas.

Schedule referred to.

Name of Táluka.

- (1) Haveli.
- (2) Sirur.
- (3) Bhimthadi.
- (4) Indápur.†

* Government Notification No. 4764, dated 25th June 1895, *Bombay Government Gasette*, 1895, Part I, page 725.

† Government Notification No. 6005, dated 16th July 1894, *Bombay Government Gasette*, 1894, Part I, page 737.

XII. Sections 69 and 70, Cattle Trespass.

B. SECTION 70, POUND FEES—*continued.*

321. In the same way and under the same Act as given in the above section the following pound fees are to be levied on cattle trespassing in Reserved Forests in the Sátára District :—

For each goat or kid

4 annas.*

322. In exercise of the powers conferred by section 70 of the Indian Forest Act, No. VII of 1878, the Governor in Council is pleased to direct that in lieu of the fines fixed by section 12 of the Cattle Trespass Act, 1871, there shall be levied in the Tálukas and Petha of the Poona District entered in the schédule hereto annexed, in respect to cattle trespassing in the closed portions of the Reserved Forest Kurans mentioned against the tálukas, and impounded under section 69 of the Indian Forest Act, fines at the following rates, *viz.*—

For each buffalo	...	...	...	...	1 rupee.
For each horse, mare, gelding, pony, colt, filly, bull, bullock,					
cow or heifer	...	...	...	...	8 annas.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid					4 annas.

Schedule referred to.

Name of Táluka or Petha.	No.	Name of Kuran.
Haveli 	1	Kothrud.
	2	Páshán.
	3	Bávdhan.
	4	Wárje.
	5	Dháyári.
	6	Pethyáchi kuran (Bhámburda).
	7	Dhargái.
	8	Jamboli.
	9	Kopre.
	10	Aglambe.
	11	Ságrun.
	12	Bhawánicha Dará.
	13	Kátráj.
	14	Kasarsai.
	15	Arvi.

*Government Notification No. 3238, dated 1st May 1895, *Bombay Government Gazette*, 1895, Part I, page 494.

XII. Sections 69 and 70, Cattle Trespass.

B. SECTION 70, POUND FEES—*continued*.

Name of Táluka or Petha.	No.	Name of Kuran.
Haveli— <i>continued</i> ...	16	Gogalwádi.
	17	Párvati, 2 numbers.
	18	Khadakvásla (large and small).
	19	Mánjri Budruk.
	20	Kalyán.
	21	Sonápur.
	22	Nándoshi.
	23	Dhánori.
	24	Bhukum.
	25	Márunji.
	26	Undri.
	27	Pisoli.
	28	Wánowri, Nos. 48 and 49.
Mulshi Petha ...	29	Hadapsar, No. 98.
	30	Mahamadwádi, No. 45.
	31	Kondhwe Khurd, No. 34.
	1	Daravli.
	2	Ghotavdi.
Khed ...	1	Varale.
	2	Warsali.
	3	Chákan Jagthambi and Parbatti.
	4	Ambethan.
	5	Chimbli.
	6	Kelgaon Chás.
Mával ...	1	Naulákh Umbre.
	2	Ambi.
	3	Akurdi.
	4	Wadgaon.
	5	Indori.
	6	Nanavli.
	7	Pachane.
	8	Pasurne.
	9	Talegaon.

XII. Sections 69 and 70, Cattle Trespass.

B. SECTION 70, POUND FEES—*continued*.

Name of Táluka or Petha.	No.	Name of Kuran.
Purandhar	1	Kikri.
	2	Rhongawli.
	3	Bhiwri, No. 2.
	4	Shivre.
	5	Pokhar.
	6	Kambre.
	7	Ghera Purandhar, No. 7 in seven pieces.*

NOTE.—Regarding impounding of cattle read sections 286 and 287, Standing Orders, Forests.

322a. There shall be levied in areas of Reserved Forest in the Bijápur District, specified in the schedule hereto annexed, fines at the marginally noted rates in respect to goats and sheep trespassing in those forests and impounded under section 69 of the Indian Forests Act:—

Pound fees in Bijápur District, goats and sheep.

For each goat... 4 annas.
For each sheep . 2 annas.

Schedule referred to above.

Name of Táluka :

Bádámi.

Bágalkot.

Hungund.

Muddebihál (Tangadgi village only).

Bágewádi (Kolhar, Baloti, Muttaldini, Sednath, Chimalgi, Benal Devlapur, Nidgundi, Araldini, Marimatti and Almatti villages only).

Bijápur (Mamdapur and Kakhandki villages only).†

322b. In cases of persistent trespass in specially closed areas the fees for Enhancement of pound cattle impounded in those areas should be enhanced till they act as an effective check.‡

* Government Notification No. 3558, dated 11th May 1895, *Bombay Government Gazette*, 1895, Part I, page 554.

† Government Notification No. 7601, dated 27th July 1908.

‡ Government Resolution No. 9360, dated 15th October 1910.

XIII. Section 75 (a), Forest Officers.

**XIII. SECTION 75 (a), POSITION, POWERS AND FUNCTIONS
OF FOREST OFFICERS.**
A. Position.

323. The object of binding together as closely as possible the Revenue and Forest Administrations in the Bombay Presidency is most desirable and should steadily be kept in view. But it is equally important that the responsibility of the Conservators, each in his own division, should be clearly defined. The Conservators should be kept regularly informed of all orders issued on forest matters in their divisions by Government, the Commissioners and Collectors; they should be made acquainted with all business that passes between Collectors and Divisional Forest Officers; and as a rule they should be consulted on all forest business that comes before Government or the Commissioner.*

324. The great thing is to ensure unanimity of feeling and action between Revenue and Forest Officers. If this is once secured, forests will be properly conserved, the legitimate wants of the people will be met, and discontent will be reduced to insignificant proportions. The Commissioner is the superior officer of both the Collector and the Conservator, and he is, after due consultation with the Collectors and Forest Officers, to make definite proposals for the amelioration of any defects in forest affairs which may be brought to his notice.†

The guiding principle is that Forest Administration is a branch of General Administration and that responsibilities for a wise and efficient management of forests rests as much with the Collectors and their Assistants as with the officers of the Forest Department.‡

325. It must be understood that the position of Divisional Forest Officer is, in all but purely technical matters, that of Assistants to the Collectors for forest purposes, and that their subordination to the Collector is no less than that of District Superintendents of Police to District Magistrates. It will, of course, be open to the Forest Officers to move the Collectors to issue such orders as occasion may demand, but the orders when issued must be the Collector's own orders and be communicated as such to the people concerned through the Mámlatdárs and Village Officers. Should a Collector refuse to issue any order which may be

* Government of India, Public Works Department, No. 637-F, dated 21st October 1870, vide Government Resolution No. 5460, dated 8th November 1870.

† Government Resolution No. 1840, dated 5th April 1879.

‡ Government Resolution No. 2448, dated 8th April 1890.

XIII. Section 75 (a), Forest Officers.

A. POSITION—*continued.*

considered necessary by the Forest Department, the question may be referred by the Conservator to the Commissioner, but in no cases should the Conservator or Divisional Forest Officers themselves issue any orders of the nature referred to, *i.e.*, local supply, local privileges and closure, except closure of coupes recently felled according to sanctioned Working Plans.*

Conservators and Divisional Forest Officers not to issue orders direct concerning—

326. Orders of Government under section 75 of the Indian Forest Act, VII of 1878.

(1) Forest Administration, as a branch of Land Revenue Administration, is under the Chief Controlling authority which, by section 4 of the Bombay Land Revenue Code, 1879, is vested in the Commissioners, subject to the Governor in Council. All Forest Officers, as well as Revenue Officers, who are concerned in the management of forests are therefore subject in all matters relating to Forest Administration to the Commissioner.

Position of Commissioners,

326a. (2) The Collector of each forest district, in subordination to the Commissioner and subject to the orders of Government, is responsible for the due management of the forests therein; and for this purpose all Forest Officers within the district shall be subject to the orders of the Collector. Divisional Forest Officers will be Assistants to the Collector for forest purposes. All Divisional Forest Officers and their subordinates shall, in all but purely technical matters, be subordinate to the Collector of the district in which they are serving.

Collector's position in regard to forests and position of Divisional Forest Officers to Collectors.

326b. (3) The duties and powers of Assistant and Deputy Collectors in charge of the talukas in respect to forest matters shall be regulated by the same provisions which are laid down in section 10 of the Bombay Land Revenue Code, 1878, in respect to revenue administration generally.

Position of Assistant and Deputy Collectors in regard to forest.

326c. (4) Subject to the other provisions of these rules each Conservator of Forests, in his own circle or Deputy Conservator in independent charge of a circle is invested with the direction of all professional operations of technical forestry.

Position of Conservators in technical matters.

326d. (5) Except in so far as is otherwise directed in rules or orders of Government, the departmental control of all Forest Officers in a circle vests in the Conservator of Forests of that circle or in that of the Deputy Conservator in independent charge of a circle.

Position of Conservator with regard to Forest Officers in his circle.

* Government Resolution No. 650, dated 26th January 1891.

XIII. Section 75 (a), Forest Officers.

A. POSITION—*continued.*

326e. (6) The Divisional Forest Officers shall, in the posting and distribution of the Subordinates of the Forest Establishment, comply with any orders they may receive from the Collector.

Limitation of powers of Divisional Forest Officers in posting Subordinates.

326f. (7) In all matters relating to local supply [including that of grass and grazing]* or the rights and privileges of the people in respect of forests, orders shall be issued by the Collector alone, and not by a Forest Officer and such orders shall be communicated to those concerned through the ordinary revenue channels. [Read section 325, Standing Orders, Forests.]

Orders on local supplies and privileges to be issued by the Collector.

326g. (8) This rule applies also to pasture and fodder reserves, the management and control of which is vested exclusively in the Collector, subject to the orders of the Commissioner and of Government, and with respect to which the Conservator of Forests is to act in the capacity of consultative officer only, advising and giving his opinion on all questions of a professional or technical character referred to him by any of the said authorities.

The Conservator should be consulted concerning pasture and fodder reserves.

326h. (9) No forest compartment shall be closed, whether for planting or reboisement or for punitive purposes, except under the orders or with the approval of the Collector. This rule does not apply to the closure of compartments which have been recently felled in strict accordance with a duly sanctioned working-plan.

Closure requires the Collector's sanction.

Does not apply to sanctioned working-plans.

326i. (10) Subject to any instructions which may be given by the Commissioner; orders issued by a Conservator to any Divisional Forest Officer and correspondence † between the Conservator and any such officer shall be forwarded through the Collector, who will record such remarks thereon or; in matters other than such as are described in Rule 4, give such directions with regard thereto as he thinks fit.

Channel of correspondence.

In the event of a difference between the Collector and Conservator of Forests, either officer may refer the matter to the Commissioner, who will dispose of the reference himself, or if he thinks necessary obtain the orders of Government.

Appeal when the Collector and Conservator disagree on any point.

326j. (11) In matters relating to departmental finance or to appointments, transfers or leave of establishment in which the orders of Government are required, a Conservator may report to Government direct.‡

Channel of correspondence with regard to finance, leave, and appointment.

For Rules 12 to 28 of the above Government Resolution read sections 358, 382 to 387, Standing Orders, Forests.

* Government Resolution No. 8999, dated 15th November 1892.

† Government Resolution No. 496, dated 21st January 1895.

‡ Government Resolution No. 7197, dated 6th September 1892.

XIII. Section 75 (a), Forest Officers.

A. POSITION—concluded.

The term "departmental finance" used in Government Resolution No. 7107, dated 6th September 1892, should be understood as including only matters relating to forest accounts and purely account transactions.*

Definition of the term
"departmental finance."

327. It should be distinctly understood that the Collector and Magistrate has the same power at all times to order an investigation into alleged misconduct on the part of Forest Officials, as he has in the case of Police, and Revenue establishment, and he can entrust the enquiry to any District Officer whom he may select.†

Powers of Collector to
order an investigation into
misconduct of Forest
Officials.

328. When a Mahalkari or Chief Constable or any Revenue or Police Officer of higher rank camps in the limits of a forest village, or "in the limits of a forest beat or round" the Forest Guard shall report himself to such officers and bring his diary with him for inspection. The Forest Guard need not report himself more than once to the same officer in one season, but should present himself on other occasions if sent for.

When an officer named above inspects forests in charge of a Beat Guard, the Guard should, if possible, attend such officer on his visit.‡

B. Powers.

i. Powers under the Forest Act, VII of 1878, as modified up to the 1st July 1890.

Powers of Conservators
and Deputy Conservators in
charge of Circles under the
Forest Act.

329. The Conservators and Deputy Conservators in charge of Circles are delegated powers under section 16 of the Indian Forest Act, No. VII of 1878.§

Powers of Conservators,
Deputy, Assistant, Extra-
Deputy and Extra-Assistant
Conservators under the
Forest Act.

330. Conservators, Deputy, Assistant, Extra-Deputy and Extra-Assistant Conservators are delegated powers under sections 20, 46, 55, 56, 67 and 71 of the Indian Forest Act, No. VII of 1878.§

331. Rangers and Foresters in charge of Ranges are delegated powers under sections 55 and 56 of the Indian Forest Act, No. VII of 1878.§

Powers of Rangers and
Foresters.

Powers of Conservators
and Deputy Conservators in
charge of Circles and all
Divisional Forest Officers.

332. Conservators, Deputy Conservators in charge of Circles and all Divisional Forest Officers are delegated powers under sections 24, 25 (c), 33, 36, 37, 38, 47, 50, 60 and 82 of the Indian Forest Act, No. VII of 1878.§

* Government Resolution No. 805, dated 28th January 1893.

† Government Resolution No. 650, dated 26th January 1891.

‡ Government Resolution No. 7107, dated 6th September 1892.

§ Government Resolution No. 21, dated 6th January 1903.

|| Government Notification No. 1152, dated 19th February 1903.

Page 224, Section 331.

Add the following clause :—

Power under Section 71 (c) of the Forest Act to issue a search warrant will be delegated by Government to selected rangers by name. Such power has been delegated to certain rangers in the Presidency.

Add the following to foot-note ' § ' :—

and Government Orders, R. D., Nos. 230, dated 8th January 1915 and 5257, dated 11th May 1915.

Insert the following new sections in their proper places :—

335a. In exercise of the powers conferred by section 2 of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased to appoint in virtue of their offices all Assistant or Deputy Collectors in charge of one or more talukas, Mámlatdárs, Mahálkaris, circle inspectors, village accountants and revenue or police patels in the Bombay Presidency excluding Sind to be forest officers for the purposes of Sections 52, 63 and 64 of the said Act, and of rule 14 of the rules under Section 41 of the said Act, for regulating the transit of timber and other forest produce, published in Government Notification in the Revenue Department, No. 4133, dated the 9th August 1880, with respect to such forests as may from time to time within the limits of their respective charges be under the management of the Revenue or Forest Department. §

335b. In exercise of the powers conferred by section 2 of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased to appoint in virtue of their offices all Assistant or Deputy Collectors in charge of one or more talukas, Mukhtiárkars, Mahálkaris, Supervising Tapedárs and Tapedárs in Sind to be forest officers for the purposes of Sections 52, 63 and 64 of the said Act, and of rule 5 in Appendix B to the rules under Section 41 of the said Act, for regulating the transit of timber and other forest produce, published in Government Notification in the Revenue Department, No. 4133, dated the 9th August 1880, as amended by Government Notification No. 6907, dated 6th June 1917, with respect to such forests as may from time to time within the limits of their respective charges be under the management of the Revenue or Forest Department. ||

Add the following to the foot-note :—

§ Government Order, R. D., No. 9479, dated 2nd October 1916.

|| Government Order, R. D., No. 6908, dated 6th June 1917.

XIII. Section 75 (a), Forest Officers.

B. POWERS—*continued*.

Powers of Conservators, Deputy, Assistant, Extra-Deputy and Extra-Assistant Conservators, Rangers, Foresters and Forest Guards.

333. Conservators, Deputy, Assistant, Extra-Deputy* and Extra-Assistant Conservators, Rangers, Foresters and Forest Guards are delegated powers under sections 44, 45, 52, 63, 64, 69 and 78 of the Indian Forest Act of 1878.†

334. The Governor in Council is also pleased to declare that the Collector in each district in the Presidency, including Sind, shall be "the duly authorized officer" mentioned in section 24 of the Indian Forest Act of 1878. with whose previous sanction the Forest Officer should exercise the power under section 24 of the Indian Forest Act, to stop ways and water-courses in reserved forest.‡

Powers of Revenue Officers when in charge of Forests.

335. In exercise of the powers conferred by sections 2, 60 and 67 of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased :—

(a) to appoint in virtue of their offices, all Assistant and Deputy Collectors in the Bombay Presidency (excluding Sind) and all Mámlatdárs and Mahálkaris to be Forest Officers for all the purposes of the said Act, with respect to such reserved or protected forests as may from time to time within the limits of their respective charges be under the management of the Revenue Department ;

(b) subject to the provisions of sub-section (3) of section 67 of the said Act, to invest such officers, in virtue of their offices, with the powers specified in section 67 of the said Act, with respect to such forests ; and

(c) to invest all Collectors in the Bombay Presidency including Sind with the powers specified in section 60 of the said Act.‡

336. His Excellency the Governor in Council is pleased, under section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act V of 1890, to appoint the officer for the time being in charge of the Remount-rearing Dépôt at Ahmednagar to be a Forest Officer, and under section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by that Act or by rules made under it to be done by a Forest Officer or by any Forest Officer : such powers to be exercised in respect of the reserved forest known as the "Narayan Dev" Kuran in the Ahmednagar District.

* Government Notification No. 1152, dated 19th February 1903.

† Government Resolution No. 21, dated 6th January 1903.

‡ Government Notification No. 6308, dated 3rd August 1905.

XIII. Section 75 (a), Forest Officers.**B. POWERS—continued.**

337. In the same way His Excellency the Governor in Council is pleased, under the same Act and section and in the same way, to appoint the Executive Commissariat Officer, Ahmednagar, to be a Forest Officer with powers to be exercised in respect of the Reserved Forest Kurans in the Nagar Taluka of the Ahmednagar District, specified below, which have been assigned for the use of the Commissariat Department :—

i Sussawadi, 2 Kapurwadi, 3 Shendi, 4 Manjursumba, 5 Ghospuri.

ii. Powers under the Arms Act, XI of 1878.

338. Officers of the Forest Department below the grade of Extra-Assistant Conservator but on Rs. 20 and over are under clause 3 of paragraph 1 of the Government of India's Notification No. 518 of 6th March 1879 as amended exempt from a license in respect of one gun or one rifle and one sword, and all other subordinate Forest Officers on less than Rs. 20 a month, such arms as they may be authorized to carry by the Conservator.*

339. As regards officers of lower grades in the Forest Department, the District Magistrates should be desired to issue to them, free of charge, licenses to go armed with swords, spears, or any weapon other than fire-arms.†

340. Under section 13 of the Indian Arms Act (XI of 1878) His Excellency the Governor in Council is pleased to invest Conservators, Deputy, Assistant, Extra-Deputy and Extra-Assistant Conservators, Rangers, Foresters and Forest Guards in the Presidency, including Sind, with power to disarm persons going armed without a license, or in contravention of its provisions.‡

NOTE.—Section 13 of the Indian Arms Act (XI of 1878) relates to "Prohibition of going armed without license and the disarming of such persons by persons empowered to do so by the Local Government."

iii. Powers under the Abkari Act, V of 1878.

341. Forest Officers are invested with the following powers under the A'bkári Act of 1878 :—

Conservators, Deputy, Assistant, Extra-Deputy and Extra-Assistant Conservators, Forest Rangers and Foresters with powers under sections 36 and 37. Forest Guards with powers under section 37.§

NOTE.—Section 36 of the A'bkári Act relates to "power to enter and inspect places of manufacture and sale, and to enter, seize and arrest, on information that liquor, etc., is unlawfully kept in any enclosed place." Section 37 relates to "power to seize liquor, etc., in open places, during transit and to detain, search and arrest persons against whom there is reasonable suspicion."

* Government Resolution No. 7899, dated 27th November 1894.

† Government Resolutions No. 5160, dated 22nd July 1885; and No. 5135, dated 28th July 1891.

‡ Government Notification No. 6714, dated 7th November 1879; and Government Resolution No. 9355, dated 2nd November 1892.

§ Government Resolutions No. 4510, dated 27th August 1879; and No. 9355, dated 2nd November 1892.

XIII. Section 75 (a), Forest Officers.

B. POWERS—concluded.

iv. Powers under the Cattle Trespass Act, I of 1871.

342. Under section 69 of the Indian Forest Act, Conservators, Deputy, Assistant, Extra-Deputy, Extra-Assistant Conservators, Rangers, Foresters and Forest Guards may impound cattle grazing in lawfully closed reserved forests.* Cattle grazing in such areas shall be deemed to be doing damage to a "public plantation" within the meaning of the 11th section of the Cattle Trespass Act, 1871.

Note.—For rules applying to cattle trespass, read sections 286, 287 and 317, Standing Orders, Forests.

v. Powers under the Sea Customs Act, VIII of 1878.

343. For rules relating to transit of forest produce by sea, read sections 298 to 300, Standing Orders, Forests.

vi. Powers under the Oaths Act, X of 1873.

344. Forest Officers, who are vested with powers provided in section 71 of the Indian Forest Act of 1878 (read section 337, Standing Orders, Forests), have authority under section 4 of the Indian Oaths Act, No. X of 1873.†

345. Under section 4 of the Oaths Act, No. X of 1873, a person, who has by law authority to receive evidence, may administer an oath or affirmation in the discharge of the duties or in exercise of the powers imposed or conferred on him by law. A Forest Officer has no power to take evidence in a case of embezzlement and is not therefore authorized to administer an oath in such a case.‡

346. (i) The form of summons for witnesses and for the production of documents given at No. 126 of the 4th Schedule of the Civil Procedure Code may be used "*mutatis mutandis*," the necessary corrections in the printed form being made by hand.§

(ii) The form of search warrant used by Magistrates, given in page 57 of the High Court Circular Orders, may be used, a few corrections that can easily be made by hand being all that is required.§

(iii) Printed forms for deposition of witnesses as used by Magistrates can be used by Divisional Forest Officers, if necessary.§

* Government Resolution No. 21, dated 6th January 1903.

† L. R. No. 1360, dated 1st November 1879, *vide* Government Resolutions No. 5990, dated 8th November 1879; and No. 6971, dated 28th August 1885.

‡ Government Resolution No. 7503, dated 26th October 1882

§ Government Resolution No. 5990, dated 8th November 1879.

XIV. Section 75 (b), Rewards.

XIV. SECTION 75 (b), REWARDS.

347. In exercise of the power conferred by section 75 of the Indian Forest Act, 1878, the Governor in Council is pleased to make the following subsidiary rules:—

Rule 1.—One-half of the proceeds of fines and confiscations under the Act may be paid by way of reward to the officers and informers through whose instrumentality the conviction was obtained, or the property liable to confiscation was discovered. Provided that the Magistrate who tries any case under the Act may, if he thinks fit, direct that a larger amount than one-half shall be so paid.

Rewards admissible to informers.

Procedure when the reward is to be divided amongst more than one informers.

Rule 2.—When more persons than one are entitled to the reward under this rule, the Conservator of Forests, or any Deputy or Extra-Deputy Conservator of Forests especially empowered by him in this behalf, or, in the case of those reserved or protected forests in the Presidency proper lying within the territorial limits of his revenue jurisdiction, which have been classed as pasture or fodder reserve and handed over to the Revenue Department for management, the Collector of the District shall determine the proportions in which it shall be divided amongst them.*

348. The Conservator is authorized to grant rewards in forest cases, when the punishment consists of imprisonment only, up to a limit of Rs. 50 and to delegate this authority up to a limit of Rs. 10 to any Deputy or Extra-Deputy Conservator of 10 or more years' standing.

Powers of Forest Officers to grant rewards in cases resulting in imprisonment.

To enable him to exercise due check over such proceedings, the Conservator may require the submission of a monthly statement showing the details of cases in which Deputy Conservators have exercised this power.†

349. The words "fines and confiscations" appearing in Rule 1 of the rules published under Government Notification No. 5587, dated 18th October 1879 (see preceding section), do not include compensation for damage done to forest property.‡

Rewards cannot be granted from compensation monies.

350. The order of the trying Magistrate is not necessary under Rule 1 of the rules under section 75 of the Forest Act, 1878, to enable a reward to be granted; it is only required to allow a reward in excess of one-half of the proceeds of the fines and confiscations in a case to be given.§

Magistrate's sanction only necessary if amount of reward exceeds one-half.

* Government Resolutions No. 7339, dated 11th September 1905; and No. 2448, dated 7th March 1908.

† Government Resolution No. 5341, dated 28th May 1908.

‡ Government Resolution No. 3191, dated 15th May 1882.

§ Government Resolution No. 3827, dated 12th June 1888.

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with fine and confiscation, rewards
fine and confiscation."

dated 26th September 1213, Revenue

XIV. Section 75 (b), Rewards.

351. It was intended by Rule 1 of the rules under section 75 of the Indian Forest Act for the grant of rewards to the officers and

The Magistracy should be confined to directing when over one-half should be paid.

The Conservator should distribute the amount.

distribution and apportionment of the rewards should be left to the Conservators of Forests.*

An informer should not lose a reward he deserves on account of other faults.

352. If an officer has been instrumental in obtaining a conviction or discovering property, he should not lose the reward because he is deserving of a penalty on some other ground.†

**XV. SECTION 75 (c), TREES, THE PROPERTY OF GOVERNMENT
BUT NOT GROWING IN RESERVED OR PROTECTED FORESTS.**

A. Extract from Land Revenue Code, 1879, regarding Trees.

Extract from the Land Revenue Code, paragraphs 40 to 44 inclusive, dealing with the preservation, reproduction and disposal of trees belonging to Government but not grown in reserved or protected forests.

353. The following paragraphs 40 to 44 inclusive are taken from the Land Revenue Code and deal with the preservation, reproduction and disposal of trees and timber belonging to Government, but growing on lands not included in reserved or protected forests :—

Section 40.—In villages of which the original survey settlement has been

completed before the passing of this Act, the right of Government to all trees in unalienated land, except trees reserved by the Government or by any survey officer whether by express order made at or about the time of such settlement, or by notification made and published at

or at any time after such settlement, shall be deemed to have been conceded to the occupant. But in the case of settlements completed before the passing of Bombay Act I of 1865, this provision shall not apply to teak, blackwood or sandalwood trees. The right of Government to such trees shall not be deemed to have been conceded except by clear and express words to that effect.

In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this

Act the right of Government to all trees in unalienated land shall be deemed to be conceded to the occupant of

such land except in so far any such rights may be reserved by Government, or by any survey officer on behalf of Government, either

* Government Resolution No. 7717, dated 28th October 1893.

† Government Resolution No. 3502, dated 10th May 1897.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

A. EXTRACT FROM LAND REVENUE CODE, 1879, REGARDING TREES—continued.

expressly at or about the time of such settlement or generally by notification made and published at any time previous to the completion of the survey settlement of the district in which such village or portion of a village is situated.

When permission to occupy land has been or shall hereafter be granted after the completion of the survey settlement of the village or portion of a village in which such land is situated, the said permission shall be deemed to include the concession of the right of Government to all trees growing on that land, which may not have been or which shall not hereafter be expressly reserved at the time of granting such permission or which may not have been reserved under any of the foregoing provisions of this section at or about the time of the original survey settlement of the said village or portion of a village.

Concession of Government rights to trees in case of land taken up after completion of settlement.

Section 41.—The right to all trees specially reserved under the provision of the last preceding section, and to all trees, brushwood, jungle or other natural product, growing on land set apart for forest reserves under section 32 of Bombay Act I of 1865 or section 38 of this Act, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in Government and trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as Government may from time to time direct.

Government trees and forests.

Section 42.—All road-side trees which have been planted and reared by, or under the orders of, or at the expense of, Government, or at the expense of Local Funds, vests in Government.

Road-side trees.

But in the event of such trees dying, or being blown down or being cut down by order of the Collector, the timber shall become the property of the holder of the land in which they were growing; and the usufruct, including the loppings of such trees, shall also vest in the said holder, provided that the trees shall not be lopped except under the orders of the Collector.

If the holder of any land in which such trees are growing shall so desire and make an application to the Collector for the purpose at any time within two years from the date on which this Act shall come into operation, the Collector shall deduct the strip of land covered by the said trees from his holding, and remit thenceforward the proportionate amount of land revenue due upon the strip so deducted.

Any strip of land so deducted shall, with the trees upon it, vest thereafter in Government.

Section 43.—Any person who shall unauthorizedly fell and appropriate any tree or any portion thereof, or remove any other natural product which is the property of Government, shall be liable to Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, in

Recovery of value of trees, etc., unauthorizedly appropriated.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

A. EXTRACT FROM LAND REVENUE CODE, 1879, REGARDING TREES—concluded.

addition to any penalty to which he may be liable under the provisions of this Act for the occupation of the land or otherwise, and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property.

The decision of the Collector as to the value of any such tree, or portion thereof, or other natural product, shall be conclusive.

Section 44.—In villages or lands in which the rights of Government to the trees have been reserved under section 40, subject to certain privileges of the villagers or of certain classes or persons to cut firewood or timber for domestic or other purposes, and in lands which have been set apart under section 38 for Forest Reserves subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector or by such other officer as Government may direct.

In any case of dispute as to the mode or time of exercising any such privileges the decision of the Collector or such other officer shall be conclusive.

B. Rules relating to sections 40 to 44 of Land Revenue Code as given above (section 353 of this Chapter).

General reservations.

Rules 91 to 95 made under sections 41 to 44 of the Land Revenue Code regarding trees, the property of Government, not growing in reserved or protected forests.

354. Rule 91.—(1) The extent to which the right of Government to trees is generally conceded under the second paragraph of section 40 shall be specified in the notification issued under rule 90, sub-rule (1). The said general concession will ordinarily extend to all trees, except the following (namely):—

- (a) all road-side trees planted by or under the orders of Government;
- (b) teak, blackwood and sandalwood;
- (c) trees, the produce of which has hitherto been disposed of by Government.

(2) Trees in groves, trees round temples or places of encampment declared to be such by the Collector, and trees other than teak, blackwood or sandalwood which for any reason are of special value or utility will be specially reserved at the settlement and entries to that effect made in the settlement records.

*** Special reservations.**

(3) The right to trees of any of the above classes which have already been specially assigned to the occupant or purchased by him, or to trees standing in public places, shall not be affected by this rule or by any notification issued under rule 90, sub-rule (1).

NOTE 1.—Rule 90, sub-rule (1), relates to the notification of survey settlement.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

B. RULES RELATING TO SECTIONS 40 TO 44 OF LAND REVENUE CODE—continued.

NOTE 2.—If trees on the banks of rivers and nálas grow in land included in an occupied survey number, they belong to the occupant. If they grow in the dry beds of streams which are not included within the boundaries of such a number, they are to be treated as Government property unless and until the occupant can establish his claim to them.

In cases where the boundaries of a field are not laid down on the banks of a stream, the area of the field as recorded in the survey registers should be taken as the guide in determining how far the right of the occupant extends. The occupant should be allowed the benefit of trees on the area recorded, all beyond it being held to be the property of Government, subject to the provisions of the Land Revenue Code regarding alluvion.*

Rule 92.—Notwithstanding anything contained in rule 91, Government may specially reserve their rights to all trees, or to trees of other kinds than those therein enumerated, whenever it may be deemed expedient so to do.

Rule 93.—Subject to the provisions of rules 94 and 95, the disposal of trees on land occupied or being given out for occupation shall be regulated by the following rules :—

Government may reserve trees not specified in the last rule.

Disposal of trees on occupied lands.

I. Of the trees to which the rights of Government are reserved, such numbers or kinds as Government may from time to time direct will be at the disposal of the Forest Department. Lists shall be kept of all occupied numbers, over the trees in which the Forest Department has any control or lien; the clearing of these numbers by the Forest Department shall be arranged in concert with the Collector, and every number when cleared shall be recorded as exempt from all interference in the future on the part of the Forest Department.

II. All reserved trees not placed at the disposal of the Forest Department shall be in charge of the Collector, who may dispose of the same, or of the produce thereof, in such manner as he may from time to time deem fit.

III. In talukas in which the demarcation of forests has been completed, when the right of occupancy of any unoccupied number containing jungle or valuable trees which have not been included in any forest reserve is granted to any person, the Collector may, if he thinks it better to grant the land for cultivation than to keep it for jungle, offer the jungle or such of the trees as he may see fit, at such valuation as he may see fit, to the occupant. If the occupant agrees to purchase the same, the value shall be recovered from him by the Collector and credited as land revenue.

IV. In talukas in which the demarcation of forest reserves has not been completed, the Collector may, if he thinks fit, consult the Conservator of Forests before the occupancy of any land containing jungle or valuable trees is granted; and if the occupancy of any such land is granted to any person, the provisions of rule III shall apply:

Provided that specified trees of a valuable kind shall not be cut down, and that in no case shall the occupancy be granted if the land is likely to be required for forests.

* Government Resolution No. 649, dated 30th January 1882.

XV. Section 75 (c). Trees, the property of Government but not growing in Reserved or Protected Forests.

B. RULES RELATING TO SECTIONS 40 TO 44 OF LAND REVENUE CODE—continued.

V. Whenever the occupancy of a survey number is disposed of at any time after the first introduction of a survey settlement, trees of the kind specified in rule 91, sub-rule (1), clause (c), shall be excluded from reservation, and shall be disposed of along with the occupancy under the provisions of the second paragraph of section 62.

VI. Whenever the right to unreserved trees in any survey number is at the disposal of Government simultaneously with the occupancy of such number, all such trees shall invariably be disposed of to the same person who acquires the occupancy and not to any other person.

VII. When the right of Government to the trees in a survey number has been once disposed of to the occupant, or when all the reserved trees have been once cut and removed either—

- (a) at the grant of the occupancy, or
- (b) after such grant, or
- (c) in the Province of Sind at any time before such grant, or
- (d) elsewhere than in the Province of Sind, within five years before such grant,

Government will have no further claim to trees which may afterwards grow in the number, or which may spring up from the old roots or stumps, so long as the land continues in occupation.

Rule 94.—(1) Nothing in rule 93 shall be deemed to apply to *varkas* lands in the districts of Thána, Kolába and Ratnágiri, and *beta* lands in the district of Kánara, or to any unalienated land in the Dindori Táluka or the Peint Táluka of the Násik District, or to any land on the banks of streams and nálas in the Godhra Táluka of the Panch Maháls District, or to any river-side jambhul trees growing in occupied lands on the banks of the rivers* noted in the margin in the Párner, Ráhuri, Sangamner and Akola Tálukas of the Ahmednagar District.

* Mula. | Pravara.
Mahis. | Mhalungi.

(2) In the said lands the trees on which the rights of Government are reserved shall be available for cuttings to be made from time to time by or under the orders of the Forest Department, in consultation with the Collector.

(3) The sale of any such tree or of the timber thereof will confer no right to the after-growth from the root or stump of the tree so cut. The reservation of the rights of Government over the trees will extend to all such after-growth also.

Rule 95.—(1) And, pending the completion of the acquisition of all occupied lands within the sanctioned demarcation limits of forests in the Haveli, Purandhar and Junnar Tálukas and the Ambegaon petha, nothing in rule 93 shall be deemed to apply to teak trees growing in any unalienated land within the said limits.

Saving of teak trees in certain tálukas from the operation of rule 93.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

B. RULES RELATING TO SECTIONS 40 TO 44 OF LAND REVENUE CODE—concluded.

(2) Teak trees growing in any such land shall be available for cuttings to be made from time to time by or under the orders of the Forest Department in consultation with the Collector, and the sale of any teak tree growing in any such land or of the timber thereof will confer no right to the aftergrowth from the root or stump of the tree so cut, but the reservation of the rights of Government over the teak trees will extend to their after-growth also.

C. Government Resolutions regarding trees in Occupied and Waste Numbers and in Government Compounds.

Quoting Government Resolution discussing and giving orders on special cases of rights to trees in different districts.

X 355. For the Government Resolutions discussing special cases of rights to trees in various districts and giving orders on the same, read the following:—

District.	Subject.	Government Resolution.
Thána ...	Copies of a letter from Government and the reply of the Remembrancer of Legal Affairs thereto, forwarded to the Commissioner, Northern Division, the Conservator, Northern Circle, and Collector of Thána, for information and guidance.	No. 7800, dated 1st October 1884.
" ...	Reshoots of reserved trees in varkas lands belonging to Government.	No. 7915, dated 27th October 1893.
" ...	Disposal of after-growth and trees in occupied numbers to be disposed of at once.	No. 7114, dated 27th September 1897.
" ...	Regarding limit of time allowed to contractors when cutting royalty trees in Thána.	No. 460, dated 20th January 1898.
Thána and Kolába ...	The right to teak, tiwas, blackwood and sandalwood, in all occupied lands vests to Government in the talukas coming under the Sanjan and Kolwan Settlement, and waiving its rights in certain lands, in both districts.	No. 10087, dated 23rd December 1892, and No. 7276, dated 15th November 1898.
Kolába ...	Special rules for reservation of trees below the Gháts.	No. 3462, dated 5th June 1883.
" ...	Regarding the disposal of trees in occupied lands.	No. 3906, dated 22nd May 1883, No. 4126, dated 21st May 1885, and No. 3998, dated 4th June 1886.
" ...	Upholding Rule 98-A and Rule 2 under section 75, Indian Forest Act, as published in Notification No. 343, dated 15th January 1883.	No. 9241, dated 6th December 1889.
" ...	Proposals to introduce the orders given in Government Resolution No. 7114, dated 27th September 1897, for Thána into the Kolába District.	No. 2112, dated 24th March 1898.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

C. GOVERNMENT RESOLUTIONS REGARDING TREES IN OCCUPIED AND WASTE NUMBERS AND IN GOVERNMENT COMPOUNDS—continued.

District.	Subject.	Government Resolution.
Kánara ...	Reservation of teak, blackwood and sandalwood in certain lands in the Kánara District.	No. 1518, dated 18th February 1884.
Ratnágiri ...	Rules regulating lopping of reserved trees in the varkas and cultivated lands of Ratnágiri.	No. 5388, dated 2nd August 1890.
Ahmednagar ...	Rules for the working of Rule 98 of the Land Revenue Code in the Akola and Sangamner Tálukas.	No. 242, dated 11th January 1889.
Panch Maháls ...	Reserved trees in the Panch Maháls	No. 3203, dated 21st June 1880, and No. 1542, dated 16th March 1881.
" ...	Protection of trees in waste lands	No. 1542, dated 16th March 1881.
" ...	Modification of above Government Resolutions.	No. 7256, dated 8th September 1885, and No. 649, dated 30th June 1882.

356. In exercise of the powers conferred by section 75 of the Forest Act, 1878, the Governor in Council is pleased to make the following subsidiary rule which shall be substituted for Rule 2, made under that section and published at page 847 of the *Bombay Government Gazette* of 23rd October 1879, Part I:—"No person shall cut, lop, or any way injure, appropriate or remove any tree or any loppings thereof, which is the property of Government grown or growing on lands belonging to or in the occupation of private persons; or knowingly and wilfully permit or abet the cutting, lopping, injuring, appropriating or removing of the same by any other person, without having first obtained the permission of the Collector, or in the case of teak, blackwood, or sandalwood trees, of the Conservator of Forests."*

357. As the demarcation and settlement of forest is now well advanced it is expedient, as a general rule, that the sale of the reserved trees to the occupants should follow on the completion of the settlement. The mode of disposing of the trees which would be most profitable and favourable to Government would be to sell them by public auction, and even if an outsider bought a tree growing on another person's land, he would have to clear it away within a stated time, and the owner of the

* Notification No. 343, dated 15th January 1883, *Bombay Government Gazette*, 1883, Part I, page 59.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

C. GOVERNMENT RESOLUTIONS REGARDING TREES IN OCCUPIED AND WASTE NUMBERS AND IN GOVERNMENT COMPOUNDS—continued.

land would be the owner of the roots and stool from which poles would spring or shoot. But as the desire of Government is to give the trees at a moderate upset price, the Forest Department should sell the trees at an all round price of Re. 1 per tree, which would be a very fair and by no means prohibitive price, considering that the trees would fetch very much more if sold by auction.

358. Government trees in numbers which have been registered for future inclusion in forests should not be disposed of, and the Collector has full discretion not to grant the right of occupation of numbers which contain valuable trees.

359. It should, however, be brought to the notice of the Forest Department that, in lands of which the Survey Settlement was completed after the 21st January 1865, the date on which Bombay Act I of 1865 became law, the right of Government to teak, blackwood and sandalwood trees must be held to have been conceded wherever joint Rule 10 was in force, unless it can be shown that such right was reserved by Government or by a Survey Officer—

- (a) by express order made at or about the time of settlement,
- (b) under rule or general order in force at the time of the settlement,
- (c) by notification made or published at, or any time after, such settlement.

If occupants in land settled before 1865 now claim concessions, these claims will have to be considered on their merits, and should be sent up to Government for decision.

Disposal of claims made for trees before the passing of the Act in 1865.

Every effort should be made to dispose of, as speedily as possible, Government trees standing in occupied numbers.*

360. Sandalwood trees standing in occupied numbers should be cut and sold departmentally instead of being given to the occupants at a uniform price of one rupee. The Conservator is at liberty to exercise his discretion in deciding whether to cut and remove the trees through departmental agency or to sell the trees as they stand by public auction, requiring the purchasers to cut and remove them within a reasonable period.

Disposal of sandalwood trees in occupied numbers.

* Government Resolutions No. 3906, dated 22nd May 1883; No. 4537, dated 15th June 1883; No. 7537, dated 25th October 1890; and No. 6852, dated 6th October 1891.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

C. GOVERNMENT RESOLUTIONS REGARDING TREES IN OCCUPIED AND WASTE NUMBERS AND IN GOVERNMENT COMPOUNDS—continued.

361. When the occupant declines to purchase all the reserved trees, other than sandalwood, on his land at an all round rate of one rupee per tree, the trees should be sold by auction. He cannot be permitted to select some at the all round rate and to refuse to buy the remainder.

Procedure to be followed in the case of reserved trees, other than sandalwood, when the occupant refuses to buy.

These orders apply only to lands occupied for agricultural purposes, and not to the compounds of bungalows, the owners of which may grow what trees they choose without any claim on behalf of Government.*

The above rules apply to agricultural lands only.

362. Sandalwood trees standing in building sites held rent-free under the provisions of section 128 of the Land Revenue Code, would be at the disposal of the holders of such lands, because those sites fall under the definition of "alienated" lands, given in clause 19 of section 3 of the Land Revenue Code, and, therefore, the reservation of sandalwood provided for by section 40 of the Code does not apply to them. Sandalwood standing in lands not held rent-free within the limits of the City of Dhárwār would be the property of Government under section 40 of the Land Revenue Code.†

Ownership to sandalwood trees growing on building sites held rent-free.

363. The interpretation to be placed on Rule 98 of the rules under the Land Revenue Code (read section 365, Standing Order, Forests) is that Government abandon their claim to any tree growth after the sale of the occupancy right, i. e., to trees or saplings which have grown up either for the first time or from the stools or old roots after the occupant has obtained the land. Where teak has been cut by Government on waste lands which are still unoccupied, any new growth which may arise either from the old stools or stumps or entirely separate from those roots or stumps prior to the sale of the occupancy right of such land, is the property of Government.‡

Right to reshoots in occupied lands.

NOTE.—According to Government Resolution No. 4005, dated 19th May 1896, these conditions do not apply to varkas land in Thána and Kolába and in Peint Táluka of the Násik District.

364. 1. The following memorandum from the Commissioner, Central Division, No. R.-726, dated 28th February 1903, was approved by Government and circulated for information.

Question under what provision of the law the offence of unauthorized cutting of trees in Government waste land and of reserved trees in occupied land should be dealt with.

* Government Resolutions No. 895, dated 2nd February 1895; and No. 2113, dated 24th March 1898.

† Government Resolution No. 7097, dated 28th September 1889.

‡ Government Resolution No. 4321, dated 30th June 1888.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

C. GOVERNMENT RESOLUTIONS REGARDING TREES IN OCCUPIED AND WASTE NUMBERS AND IN GOVERNMENT COMPOUNDS—continued.

2. The view adopted by the District Magistrate in appeal, that the cutting of a reserved tree in occupied land is an offence under Rule 2 [read section 367, Standing Orders, Forests] made under section 75 (c) of the Forest Act, seems clearly correct. But neither the rule nor the section in question can be held to be applicable to Government waste lands. They refer in express terms to lands belonging to, or in occupation of private persons; and they cannot be supposed to refer even by implication to unoccupied land because no law or rule having the force of law is necessary in respect of trees standing on such lands. The cutting or removal of such trees is a matter which can be dealt with under section 43 of the Land Revenue Code [read section 364, Standing Orders, Forests] under Rule iii (b) of the rules under the Code (Rule iii (b) pertains to penalties under section 215 of the Code) or under section 379 of the Indian Penal Code; and so far as the Commissioner remembers the general practice in old days was to proceed under the Penal Code. The High Court ruling of 1896, so far as it sets aside the conviction under the Forest Act, of a person who had cut a reserved tree in Government waste land, can scarcely be called in question; and there seems no necessity for any amendment of section 75 (c), as proposed by the Conservator of Forests.

3. The effect of the High Court ruling seems to have been very much exaggerated. The essence of the Court's judgment appears to be contained in the words "the District Magistrate is right," the District Magistrate having pointed out that Rule 2 under section 75 of the Forest Act, does not cover the case of teak growing in waste numbers. In proceeding to specify as a reason for the illegality of the prosecution and conviction for an offence under the Indian Forest Act, that "the teak tree did not stand in a forest," the Court seems to have curiously ignored the very rule to which the District Magistrate had referred it under which such action *might* be legal in connection with a tree not standing in a forest.

4. Personally the Commissioner would not, if a Magistrate, feel in any way debarred by this ruling from convicting under section 76 of the Forest Act, for any breach of the provisions of Rule 2; and, so far as the present case has been reported, he thinks that there need have been no hesitation. If Government have this view, he would suggest its being made generally known, as there appears to be a good deal of misapprehension on the point, otherwise, it seems desirable that an early opportunity should be taken to bring the question again before the High Court and of having it properly argued.*

365. (1) In questions of compound produce, there are two classes which have to be considered, *viz.*, the produce of Government buildings used for public purposes, and that of Government buildings used as residences, and the produce again may be divided into produce of fruit trees and grass, or produce from sale of timber. The following rules deal with the whole of the above.

Produce in compounds of bungalows belonging to Government.

XV. Section 75 (c), Trees, the property of Government but not growing in Reserved or Protected Forests.

C. GOVERNMENT RESOLUTIONS REGARDING TREES IN OCCUPIED AND WASTE NUMBERS AND IN GOVERNMENT COMPOUNDS—concluded.

(2) The proceeds of the sale of all trees, fruit and grass, etc., in the compounds of Government buildings used as offices, hospitals, etc., should be credited to Public Works, Provincial Revenue, the disposal of the timber being in the hands of the Executive Engineer, and that of the other products in those of the head of the establishment occupying the premises.

(3) The proceeds of the sale of all trees in Government buildings occupied as residences will be paid into the Executive Engineer, without whose sanction no trees should be cut down, to be credited to Public Works, Provincial Revenue. The produce of all fruit trees, grass, etc., will be the property of the tenant for a time being, and the value of the same should be taken into consideration when fixing the rents of such buildings.

(4) The above does not refer to Military Cantonments.*

XVI. SECTIONS 75 (d) AND 84, CONTRACTS.

366. In exercise of the powers conferred by section 75, clause (d), of the Indian Forest Act, 1878 (VII of 1878), as amended by the Indian Forest Act, 1890 (V of 1890); and in supersession of Government Notification in the Revenue Department, No. 2799, dated 31st March 1896, the Governor in Council is pleased to make the following rule, with reference to section 84 of the said Act amended as aforesaid, namely:—

Rules under the Indian Forest Act binding contractors to bids made by them in auction.

Whoever enters into any contract with any Forest Officer acting on behalf of Government, shall, if so required by such Forest Officer, bind himself by a written instrument to perform such contract.

Explanation.—A person, who makes a written tender for a contract, or who signs the conditions of an auction-sale at which he is a bidder, such tender or conditions of sale being on or in a form furnished by a Forest Officer for that purpose whereby he—

(a) binds himself to perform the contract for which he tenders or bids in the event of his tender or bid being accepted or

(b) binds himself not to withdraw his tender or bid during the time that may lapse before its acceptance or refusal is communicated to him, shall be deemed to have been required by such Forest Officer to bind himself as aforesaid, and

in case (a) on the acceptance of his tender or bid or,

in case (b) on the making of his tender or bid,

to have bound himself accordingly, within the meaning of this rule; and any such person need not enter into a separate written instrument

XVI. Sections 75 (d) and 84, Contracts.

for the purpose, unless specially so required by the Forest Officer with whom he contracts.*

367. In exercise of the powers conferred by the thirty-third and thirty-fourth of Victoria, chapter fifty-nine, section two, and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of existing orders, to declare that the undermentioned classes of deeds, contracts, and other instruments referred to in the twenty-second and twenty-third of Victoria, chapter forty-one, section two, may be extended as follows:—

Contracts and other instruments in matters connected with the administration and working of forests and with business of the Forest Department generally.

Powers of Forest Officers to execute contracts for Government.

By Conservators, Collectors of Districts, Deputy, Assistant, Extra-Deputy and Extra-Assistant Conservators of Forests to such extent and within such limits as the Local Government may prescribe by notification in the official Gazette.

368. Under Government Notification No. 608, dated the 3rd February 1879, Revenue Department, published at page 94 of Part I of the *Bombay Government Gazette* for 1879, and Government Notification No. 1280, dated the 21st February 1898, published at page 123 of Part I of the *Bombay Government Gazette* for 1898, it is prescribed that "contracts and other instruments in matters connected with the administration of forests and with the business of the Forest Department in the Bombay Presidency generally" may be executed within the limits of their respective charges, by

- (1) Conservators or Deputy Conservators in charge of Circles, } whatever be the amount or value of the subject-matter of the contract or other instrument ;
- (2) all Divisional Forest Officers, whether Deputy Conservators, Extra-Deputy Conservators, Assistant Conservators, or Extra-Assistant Conservators, } if such amount or value do not exceed Rs. 5,000 :

Provided always that no Forest Officer of any grade below that of Conservator or Deputy Conservators in charge of a Circle shall execute any contract or other instrument without, or otherwise than in accordance with, the previous sanction of the Conservator or Deputy Conservators in charge of a Circle to whom he is subordinate, given either expressly or generally in connection with the sanctioned working plan of a season, and that every contract or other

Page 241, Section 372.

Substitute the following for the clause added under Government Resolution No. 3100, dated 2nd April 1913:—

(i) Power to enter into agreements with contractors without the countersignature of the Conservator upon such agree-

D. 14—1

ments being required has been delegated to Deputy and Extra Deputy Conservators of not less than 10 years' standing. ¶

(ii) Extension of time to contractors for completion of their contracts entered into with Divisional Forest Officers can be granted or refused only by Conservators. ¶

Add the following to the foot-note:—

¶ Government Resolution, R. D., No. 3100, dated 2nd April 1913.

¶ Government Resolution, R. D., No. 730, dated 23rd January 1914.

Section 372, page 241.

Add the following clause to this section :—

“The power of Conservators to countersign forest agreements with Contractors has been delegated to Deputy or Extra Assistant Conservators of Forests of 10 years’ service.” (Government Resolution No. 3100, dated 2nd April 1913, Revenue Department).

XVI. Sections 75 (d) and 84, Contracts.

instrument executed by any such officer shall be drawn in a form which has been approved by the said Conservator or Deputy Conservators in charge of a Circle.*

369. Draft forms (Central Press, Forms Nos. 279 to 285) of agreements, schedules of special clauses and memorandum of instructions for the Presidency proper have been sanctioned by Government, to be used when carrying out contracts or other instruments in matters connected with the administration and working of forests and with business of the Forest Department generally.

370. The Governor in Council considers it sufficient to direct that the form of agreement should be kept in the offices of the Divisional Forest Officers and Rangers for inspection by intended contractors, that it should be mentioned in advertisements, proclamations, or bills inviting bids or tenders for contracts, and that it should also be made specially available for inspection at any public auctions or sales of such contracts.

371. With a view to secure the prevention of avoidable delays in the execution of agreements in pursuance of accepted forest contracts, the Governor in Council is pleased to declare that in the published or proclaimed conditions of sale or invitation of tenders, a provision should invariably be included to the effect that the necessary contracts should be concluded and signed by the contractors within a fixed period, in no case exceeding one month.

372. Although not bound by rule or published conditions of sale to do so, yet the Conservator or Deputy Conservator of Forests in charge of the Circle or the Divisional Forest Officer concerned should be careful to sign the contracts at the same time as, or as soon as possible after, the contractors sign as contemplated in the agreement.†

373. A special agreement form for contractors to carry out the construction of forest roads and buildings has been sanctioned by Government.‡

374. A special agreement form for leasing out forest lands has been sanctioned by Government.§

375. In exercise of the power conferred by section 8 of the Indian Stamp Act (I of 1879), the Governor General in Council is pleased to remit the duty payable under that Act on instruments in the nature of memorandum or agreement furnished to, or

* Government Resolution No. 1280, dated 21st February 1898.

† Government Resolution No. 7220, dated 17th November 1900.

‡ Government Resolution No. 8669, dated 9th December 1902.

§ Government Resolution No. 247, dated 12th January 1904.

XVI. Sections 75 (d) and 84, Contracts.

made or entered into, with the Forest Department⁷ by contractors for the due performance of their contracts.*

Form for giving and taking over charge of contract areas.

376. The following form for giving or taking over charge of contract areas should, after having been duly filled in and signed, be attached to the agreement form :—

Form for giving and taking over charge of Coupes or other Forest areas.

Name of petitioner—

I hereby give notice that I have bought Coupe
completed the work in
Block , Range , of the Division, and wish to take
charge of the same. give over

Signature.

<u>Date of</u> <u>receiving</u> over charge. <u>delivering</u>	Range, Block, Coupe.	Damage if any.	Value of damage.	Remarks.

I hereby certify that I have this day taken over charge of the abovementioned area.

I hereby certify that I have handed over charge of the abovementioned area.

Signature of Receiver.

Signature of Giver.

NOTE.—Two such forms should be attached to every agreement, one certifying the handing over of the area to the contractor, and the second certifying that he has handed the area back to the Forest Officer at the time of the completion of his contract.

**XVII. SECTION 78, DUTIES OF REVENUE AND POLICE OFFICERS
WITH REGARD TO FORESTS.**

377. It shall be the duty of all Revenue Officers to give every possible assistance to the Divisional Forest Officer, by giving information of all cases of forest fires, or of offences committed in forests, and of any neglect of duty by Forest subordinates which may come to their notice, and to

Duties of Revenue Officers
with regard to forest
protection.

For present Section 382.

Substitute New Section 382 as follows :—

382. Subject to the orders of Government—

(a) the Commissioner in Sind shall have the direction, regulation and general control of all matters other than financial connected with forest administration in that province ;

(b) the Commissioners of the Northern, Central and Southern Divisions shall be responsible for the entire executive administration of forest affairs within their respective divisions, and shall for the purposes of such administration—

(a) issue orders and instructions to Collectors, Conservators, Deputy Conservators in independent charge of Circles ;

(b) interpret the orders of Government whenever doubts may arise in applying such orders ;

(c) settle all matters in which any difference of opinion arises between the Forest Department and any other department ;

(d) promote generally the harmonious working of the Revenue and Forest Departments ; and

(e) except in matters relating to departmental finance and to appointment, leave or transfer of establishment, in which the orders of Government are required, receive, consider and with their own views in each case, when such reference is necessary, refer to Government all reports respecting forest matters submitted to them whether from the Revenue or from the Forest Department.*

* Notification No. 7107, Revenue, dated 6th September 1892, *Bombay Government Gazette*, 1892, Part I, page 909.

I.

Index page XXII.

Section 382. Page 243.

or "Powers of Commissioner in Sind."

substitute "Powers of the Commissioner in Sind; and of the Commissioners,
in, Central and Southern Divisions."

XVII. Section 78, Duties of Revenue and Police Officers with regard to Forests.

impress on their subordinates a sense of their obligations to protect the Government forests against theft or injury.

378. It shall be the duty of the Collector and his Assistants to inspect Rangers' offices. time to inspect the offices and accounts of all Rangers within their charge, taking care that the Range Officers are not withdrawn from important out-door duties to attend inspections.

379. When a Forest Guard reports himself to a Revenue or Police Officer, the officer on whom report is made should, time permitting, inspect the Forest Guard's diary, and put such questions to him as may seem expedient with a view to ascertaining whether he is attentive to his duties. The village officers could also be questioned on the point; a Revenue or Police Officer examining a Forest Guard's diary shall write the word "seen" below the last entry, attaching his signature and the date of inspection.

380. When a Mahalkari or Chief Constable, or any Revenue or Police Officer of higher rank camps in the limits of a forest village, time and opportunity permitting, the officers named should visit any forest block, plantation or special work in charge of the Forest Guard, who should, if possible, attend such officer on his visit.

No Revenue or Police Officer shall call a Forest Guard off his beat. Nor shall a Forest Guard leave his beat in order to report himself to such officer.

381. Sections 379 and 380 do not apply to Collectors or Commissioners, who will exercise their own discretion in the matters therein dealt with.

382. Subject to the orders of Government—

(a) the Commissioner in Sind shall have the direction, regulation and general control of all matters other than financial connected with the forest administration in that province;

(b) interpret the orders of Government whenever doubts may arise in applying such orders;

(c) settle all matters in which any difference of opinion arises between the Forest Department and any other department;

(d) promote generally the harmonious working of the Revenue and Forest Departments; and

(e) except in matters relating to departmental finance and to appointments, leave or transfers of establishment, in which the orders of Government are required, receive, consider and with their own views in each case, when such reference is necessary, refer to Government all reports respecting forest

XVII. Section 78, Duties of Revenue and Police Officers with regard to Forests.

matters submitted to them whether from the Revenue or from the Forest Department.*

383. In the opinion of His Excellency the Governor in Council it is very necessary that village officers should be made to understand that they are indirectly responsible for the preservation of forests, as being the property of Government. The fact that there is a Forest Establishment, whose prime duty is solely to look after forests, does not relieve the village officers from their share of responsibility in the matter. His Excellency the Governor in Council is therefore pleased to direct that the village officers in Forest villages should submit a half-yearly report on the state and condition of the trees belonging to Government in forests and *málki* numbers in their respective charges to the Assistant Collector in charge of the *táluka*, who should forward it to the Divisional Forest Officer.†

384. Government consider that exemplary punishment should be inflicted on village officers whenever damage has resulted to Government forests through culpable negligence on the part of those officers.‡

XVIII. SECTION 79, IZAFATDARS' FORESTS IN THE THANA DISTRICT.

385. For rules regulating the management of Izafatdars' forests in the Thána Collectorate, read Government Resolution No. 6770, dated 2nd December 1875, and Government Resolution No. 9822, dated 28th September 1908.

L. R. No. 426, dated 1st May 1876 (*vide* Government Resolution No. 2867, dated 12th idem) states "as the management of the forests has been resigned unreservedly in their hands, the Forest Department will not be justified in interfering in any way with a view of securing either a more economical or a more profitable management" and continues to lay down precautions concerning the recovery of the Government share of the profits.

* Government Resolution No. 7107, dated 6th September 1892.

† Government Resolution No. 5062, dated 19th July 1899.

‡ Government Resolution No. 650, dated 26th January 1891.

Section 383. Page 244.

Add the following :—

“ *Note.*—The order contained in the last sentence of the foregoing paragraph has been cancelled by Government Resolution No. 3025, dated 5th May 1902, R. D.”

IV.

In the Foot note on page 244.

For "Government Resolution No. 5062, dated 19th July 1899"
"Government Resolution No. 5062, dated 19th July 1890, R. D."

CHAPTER IV.

**ADMINISTRATIVE AND MISCELLANEOUS ORDERS
OF GOVERNMENT.**

I. POWERS.

386. Some of the powers of a Conservator may be delegated by the Local Government to any selected officer in charge of a Forest Division. Conservators are authorized to delegate the powers described below to all Deputy or Extra-Deputy Conservators of not less than 10 years' service and on the recommendation of Conservators and Commissioners in exceptional cases to Deputy or Extra-Deputy Conservators of between 7 and 10 years' service.

Delegation of powers to
selected officers.

A Conservator should not hesitate to withdraw powers which have been delegated, however disagreeable it may be to do so, when he finds that they have been exercised with bad judgment or to inform any officer with whose judgment and abilities he is unacquainted or about which he is not satisfied from his previous records that for a time he considers it advisable to withhold delegation of all or any of the delegated powers.*

1. Power to sanction the distribution of rewards to informers and detectives of forest offences when more than one person are concerned.
2. Power to authorize contractors and others to issue passes for the removal of timber or other forest produce.
3. Power to grant privilege leave to subordinates below the rank of Ranger on entertaining a substitute.
4. Power to sanction the retention of Forest Guards in service after they have completed the age of 55 years (Article 462 (a) (1) of the Civil Service Regulations).
5. Power to obtain cheque books direct from the Accountant General (Article 200 of the Forest Department Code).
6. Power to conduct sales without reference to Conservator as regards reserved prices when they are fixed by or under the orders of the Deputy Conservator and when the total estimated amount of sale does not exceed Rs. 5,000.
- X 7. Power to transfer Rangers and Foresters within the limits of the division (Article 66 of the Forest Department Code).
8. Power to make free grants of forest produce up to a limit of Rs. 100 in any one case (Article 109 (ii) of the Forest Department Code).
9. Power to write off the value of stores, tools and plant, live-stock, timber or other stock up to a limit of Rs. 250 (Article 113 (i) of the Forest Department Code).

* Government Resolution No. 7324, dated 25th July 1907.

I. Powers.

10. Power to authorize an advance of one month's pay (up to a maximum of Rs. 50 in each case) to any non-gazetted officer on the permanent establishment serving under the Divisional Officer's orders who can shew sufficient reason for requiring it (Article 155 (i) of the Forest Department Code).
11. Power to retain a Pleader and to sanction expenditure on Pleader's fees (up to a limit of Rs. 100 in each case) in the prosecution of criminal offences, subject to the condition that the officer to whom this power is delegated should inform the Conservator of his proceedings (Articles 157 and 247 of the Forest Department Code).
12. Power to sanction all usual payments on account of items of ordinary expenditure (as defined in Article 134 of the Forest Department Code), provided the Budget allotments are in no case exceeded (Article 158 of the Forest Department Code).
13. Power to make refunds of revenue up to a limit of Rs. 200 in each case (Article 168 of the Forest Department Code).
14. Power to authorize the destruction of useless records (Article 251 (v) of the Forest Department Code).
15. Power to give a lease for the collection of forest produce up to a value of Rs. 2,000 subject to the condition that the operation has been duly approved of in the annual plan of operations.
16. Power to make contracts up to a value of Rs. 2,000 subject to the condition that the rates have been sanctioned by the Conservator.

386a. His Excellency the Governor in Council is pleased, under the provision of section 66 of the Forest Department Code (sixth edition), to delegate to the Conservators of Forests, Central, Northern, Southern and Sind Circles, the power to sanction all transfers within their respective Circles of permanent protective establishments, including* Extra-Assistant Conservators of Forests.†

Powers of Conservators and Divisional Forest Officers to promote Guards to the Rs. 15 grade.

387. Promotion to the grade of Rs. 15 of Forest Guards will be made by Divisional Forest Officers. Direct appointment to that grade will be made by Conservators only.

Powers of Conservators to sign agreements of stipendiary students proceeding to Dehra Dun.

388. The Conservator or Deputy Conservator of Forests in charge of the Circle, who nominates the candidate for the Dehra Dun College, should be authorized to sign the agreement prescribed for such candidates.‡

* Government Resolution No. 6051, dated 24th August 1886.

† Government Resolution No. 2021, dated 17th March 1893.

‡ Government Resolution No. 3964, dated 18th June 1903.

I. Powers.

Conservators' power to sanction temporary establishment.

389. Conservators have the power to sanction the requisite temporary establishment within Budget limits without further reference to Government.*

NOTE.—For maximum pay admissible for temporary establishment read section 64, Chapter I, Standing Orders, Forests.

390. Divisional Forest Officers have the power to grant privilege leave

Powers of Divisional Forest Officers to grant privilege leave.

when no extra expense is involved and no substitute required to Protective and Office establishment.†

391. The Conservator of Forests, Southern Circle, is authorized to transfer

Conservator, Southern Circle, has power to transfer depôts.

his depôts from one town to another as he finds convenient and more paying to his Department, so long as he does not transfer the permanent establishment sanctioned for one Collectorate to another, or by his arrangements involve

any further cost than that allowed.‡

NOTE.—Government Resolution, Judicial Department, dated 23rd February 1886, gave a general sanction to all charges that might be incurred on account of rent of lands taken up for Forest depôts in accordance with these orders.

392. Divisional Forest Officers have the power to reprimand, or exact

Powers of Divisional Forest Officers to punish their clerical establishment.

additional work from, or suspend any member of the office establishment serving under them. They may also enter misdemeanours in service books; and submit for the Conservator's orders any cases which, in their opinion, justify

postponement of increment of pay, stoppage of promotion, reduction of existing pay, or dismissal from the service of Government.§

392a. As the Deputy Conservator of Forests in charge of one of the

Delegation of powers of Conservator to the Deputy Conservator in charge of Sind Circle.

four Forest Circles in this Presidency is recognized as a Conservator for administrative purposes, the Governor in Council is pleased to allow him to exercise all the powers delegated to "Conservators." ||

393. Conservators and Deputy Conservators of Circles are authorized to

Conservators and Deputy Conservators may transfer clerks.

transfer clerical staff from one Division to another in their respective Circles irrespective of the pay cadre of the Division. ¶

A monthly distribution statement of the clerical establishment in the Circle must be forwarded to the Accountant General.

The power to interchange appointments does not extend to the Conservators' own offices. ¶

* Government Resolutions No. 2045, dated 15th March 1904; and No. 5181, dated 7th July 1904.

† Government Resolution No. 21, dated 6th January 1903.

‡ Government Resolution No. 2307, dated 23rd April 1873.

§ Article 71, Forest Code, sixth edition.

|| Government Resolution No. 6597, dated 10th July 1906.

¶ Government Resolution No. 11709, dated 28th November 1907.

I. Powers.

394. Conservators of Forests may purchase for their own use or for the use of the officers subordinate to them books and newspapers or other periodical publications, subject to the limitations (1) that the total cost of the purchases made shall not exceed Rs. 50 a year and (2) that the cost of any one book or periodical shall not be more than Rs. 10.*

395. In the case of non-gazetted officers generally a pension which is certified by the responsible Audit officer to be clearly admissible under rule, may be sanctioned by Heads of Offices who have authority to fill the appointment vacated by the retiring officer.

Cases in which any reduction of pension is proposed or which involve any unusual features, or in which any part of a pension is to be paid by a Native State, should be submitted to Government for disposal.†

In all cases in which they are empowered to sanction pensions, Conservators may sanction condonation of breaks and deficiencies in service within the following limits: breaks up to two months under Article 422 (i) and six months under Article 422 (ii) of the Civil Service Regulations and in the case of deficiencies up to two months in cases of provincial charges under Article 423, Civil service Regulations.‡

Divisional Forest Officers may sanction travelling allowances.

396. Divisional Forest Officers are authorised to sanction travelling allowances to inferior Forest servants transferred within their respective Divisions.§

Conservators may grant one month's privilege leave.

396a. 1. Conservators of Forests are empowered to grant privilege leave of absence for any period not exceeding one month to officers under their orders who are appointed by Government.

2. If the officer who applies for such leave be a gazetted officer, a report should be obtained from the Accountant General on the title of the applicant to the leave applied for before it is granted, and the grant of leave should be reported to Government.

3. The power conferred by these orders should be exercised only in cases where no substitute is required or where the officer granting the leave is able of his own authority to appoint a substitute without reference to Government.||

Conservators may sanction renting office accommodation.

396b. Heads of Departments may sanction the renting of ordinary office accommodation within the following limits :—

* Government Resolution, Forest Department, No. 538, dated 30th January 1908.

† Government Resolution, Financial Department, No. 2800, dated 1st September 1908.

‡ Government Resolution No. 3996, dated 1st October 1908.

§ Government Resolution No. 8713, dated 25th October 1905.

|| Government Resolution, Financial Department, No. 3344, dated 8th September 1909.

Page 248, Section 396.

Add the following clause :—

Conservators may delegate to Divisional Forest Officers the power of countersigning on their behalf the travelling allowance bills of the members of the Executive, Protective and Office Establishments serving under them, subject to the proviso that all bills preferred for journeys on transfer should be submitted to Conservators for their countersignature.

Add to the foot-note ' § ' :—

and Government Order, R. D., No. 1304, dated 3rd. February 1916.

I. Powers.

When the accommodation is provided in a separate building...Rs. 100 a month.

When the accommodation is provided in a building partly

used as a private residence One-half the total
rent subject to
a maximum of
Rs. 45 a month.*

Heads of Offices may
purchase stationery.

369c. Heads of Offices may sanction petty local purchases of stationery and rubber stamps up to a limit of Rs. 20 in each case.†

369d. When they consider themselves justified in so doing either by the course of precedents on their record, or by the general knowledge of the policy of Government, Conservators of Forests may assume the previous sanction of Government in matters concerning

In certain matters Conservators may assume sanction of Government.

- (i) the direction of all professional operations of technical Forestry ;
- (ii) the departmental control of all Forest Officers in the Circle ;
- (iii) departmental finance, appointment, transfer, or leave of establishment, provided such previous sanction is not required by law.‡

396e. Heads of Offices may vary details (namely, the rates of pay of particular posts, the number of hands employed and the period of employment) of any temporary establishment employed under them, subject to the following conditions :—

Control of sanctioned temporary establishments.

(a) that the cost of a temporary establishment shall not be raised beyond the total amount sanctioned for the establishment by the authority which sanctioned its employment ;

(b) that Rs. 50 be fixed as the maximum limit of pay of any post subject to any special order that may be passed by Government when sanctioning the temporary establishment.§

396f. The Governor in Council is pleased to appoint the Divisional Forest Officer, North Khándesh, to perform the duties of a Collector under the Land Improvement Loans Act XIX of 1883 and for the purposes of the rules under the Agriculturists' Loans Act XII of 1884.||

Divisional Forest Officer, North Khándesh, invested with special powers.

* Government Resolution, Financial Department, No. 2075, dated 10th June 1908.

† Government Resolution General Department, No. 3511, dated 12th May 1908.

‡ Government Resolution No. 533, dated 29th January 1908.

§ Government Resolution No. 3049, dated 20th September 1910.

|| Government Resolution, Financial Department, No. 2104, dated 2nd May 1907.

I. Powers.

396g. The Akrani Pargana should be constituted a Mahál. The Range Forest Officer, Akrani, should be appointed *ex officio* Mahálkari, and the Divisional Forest Officer, North Khándesh, should be appointed *ex officio* Assistant Collector and should be invested at the outset with Second Class Magisterial powers.*

Range Forest Officer,
Akraní, is *ex officio* Mahál-
kari.

Conservators may sanc-
tion refunds.

Conservators may sanc-
tion writing off of revenue.

396h. Conservators may sanction refunds of forest revenue up to Rs. 200 in each case.†

396i. Conservators are authorised to sanction the writing off of irrecoverable revenue up to Rs. 500 in each case.‡

II. FUNCTIONS.

Duties of Conservator
and his Assistants.

397. The Conservator and his Assistants ought to pass their time as much as possible in the jungles and not at the desk.§

398. The attention of the Conservators should be drawn to the fact that inspection is one of the most important of their duties. The Conservators are required to inspect each Divisional Forest office in their Circles once in each year. Failure to make the required inspection in any case should be explained in submitting to Government the general inspection report.||

Conservators' duties to
inspect Divisional Forest
offices.

Duties of Conservators
regarding interchange of
vegetable products with the
Colonies.

399. The Conservators of Forests should attend to any application which may be made for an interchange of vegetable productions by the officers in charge of any of His Majesty's Colonies.¶

400. Divisional Forest Officers should, as a rule, reside during the recess season at the head-quarters stations of their districts to facilitate personal communication on forest affairs between themselves, the Collectors and Assistant Collectors.**

Duties of Divisional
Forest Officers in the recess
season.

Head-quarters of Conser-
vator, Northern Circle.

401. The Conservator of Forests, Northern Circle, is permitted to make Bándra his head-quarter.††

* Government Resolution, Revenue Department, No. 12020, dated 24th November 1908.

† Government Resolution No. 773, dated 30th January 1886.

‡ Government Resolution No. 12417, dated 23rd December 1909.

§ Government Resolution No. 3541, dated 21st July 1871.

|| Government Resolution No. 5308, dated 5th August 1891.

¶ Secretary of State's No. 10, dated 15th August 1871, *vide* Government Resolution No. 4847, dated 29th September 1871.

** Government Resolution No. 4063, dated 4th June 1889.

†† Government Resolution No. 3736, dated 22nd May 1893.

Insert the following in its proper place :—

“ 396j. The power of Conservators to grant permission to cut reserved trees in Service Inam lands under section 41 (9c) of the Land Revenue Code is delegated to selected Divisional Forest Officers, subject to the condition that each case should be reported for the information of the Conservator giving details of place, number and price of trees and species.” (Government Resolution No. 5651, dated 16th June 1913, Revenue Department).

“ 396k. Power to re-employ pensioners for a period not exceeding one year in temporary vacancies has been delegated to Conservator of Forests.” (Government Resolution No. 4365, dated 23rd December 1912, Financial Department).

Insert the following in its proper place :—

“ 396/. When the agency of village officers is in future employed in the collection of forest revenue, they shall be remunerated by a deduction from the gross revenue collected at the time it is made over by them to forest officers and at no other time. When, however, the remuneration is payable on account of assistance rendered in connection with the assessment of an item of revenue that is paid into the treasury direct, a refund may be sanctioned by the Conservator of Forests.” (Government Resolution No. 3239, dated 7th April 1913, Revenue Department).

Page 250.

Insert the following in its proper place :—

"396l. When the agency of village officers is in future employed in the collection of forest revenue, they shall be remunerated by a deduction from the gross revenue collected at the time it is made over by them to forest officers and at no other time. When, however, the remuneration is payable on account of assistance rendered in connection with the assessment of an item of revenue that is paid into the treasury direct, a refund may be sanctioned by the Conservator of Forests." (Government Resolution No. 3239, dated 7th April 1913, Revenue Department).

No. 90.

Page 250, Section 401.

For "Bandra" substitute "Nasik."

In the first note †† for '3736 dated 22nd May 1893' substitute 12823, dated 22nd December 1914.

II. Functions.

Jurisdiction of Conservator, Northern Circle. The jurisdiction of the Conservator of Forests, Northern Circle, does not extend to the City of Bombay.*

Head-quarters of Conservator, Southern Circle. 402. The head-quarters of the Conservator of Forests, Southern Circle, should be Belgaum.†

403. The Divisional Forest Officers of N. D. Kánara and E. D. (old S. D.) Kánara should make Belgaum their head-quarters for 4½ months during the rains.‡

403a. Charge reports of gazetted officers should be submitted to Government through the Accountant General in a joint letter signed by both officers concerned on the printed form.§

Delivering and taking over charge.

III. CORRESPONDENCE AND REPORTS.

A. Correspondence.

404. Subject to any instructions which may be given by the Commissioner orders issued by a Conservator to any Divisional Forest Officer and correspondence between the Conservator and any such officer shall be forwarded through the Collector, who will record such remarks thereon, or, in matters other than such as are described in section 326c, Rule 4, Standing Orders, Forests, give such directions with regard thereto as he thinks fit.

Channel of correspondence between the Conservator and Divisional Forest Officer.

In the event of a difference of opinion between a Collector and the Conservator of Forests, either officer may refer the matter to the Commissioner who will either dispose of the reference himself or, if he thinks it necessary, obtain the orders of Government.||

Procedure when difference of opinion arises.

* Channel of correspondence between the Divisional Forest Officer and Assistant Collector, Mámlatdár and Village Officers.

405. Letters from a Divisional Forest Officer to a Mámlatdár should ordinarily be sent through the Assistant Collector in charge.

Orders by Forest Officers to Village Officers shall ordinarily be sent through the Mámlatdár, to whom the Village Officers are subordinate, but may, if urgent, be sent direct, provided that in every such case copies of the orders shall at the same time be sent to the Assistant Collector in charge and to such Mámlatdár as aforesaid.

* Government Resolution No. 7016, dated 10th October 1891.

† Government Resolution No. 3847, dated 25th June 1887.

‡ Government Resolution No. 1047, dated 9th February 1899.

§ Government Resolution General Department No. 2009, dated 10th April 1905.

|| Government Resolution No. 7107, dated 6th September 1892.

III. Correspondence and Reports.

A. CORRESPONDENCE—*continued.*

Cases in which Conservator may report to Government direct.

406. In matters relating to departmental finance or to appointments, transfers or leave of establishment, in which the orders of Government are required, a Conservator may report to Government direct.*

407. Several instances having recently come to the notice of Government of officers of the Forest Department corresponding direct with the Inspector-General of Forests, on subjects in regard to which the control vests in this Government, the Governor in Council desires to impress on all officers of the Department that such procedure is not approved by Government, and if any such practice of the kind exists in the Forest Department it should forthwith be discontinued.†

408. In order to ensure the Commissioner's proper control and the exercise of his responsibility in forest matters, His Excellency the Governor in Council is pleased to direct, in modification of all previous orders on the subject, that all official communications on the subject mentioned below should be addressed by the Conservator or Deputy Conservator of Forests in charge of a Circle to the Divisional Commissioner concerned and not to Government direct:—

Thefts of Government money.

Application for leave.

Correspondence regarding appointments of Forest officials and subordinates.

List of minor works of which the cost is less than Rs. 1,000.

List of urgent works costing more than Rs. 2,500.

Construction and repairs of roads and building, etc.

Reports regarding Civil suits.

Inspection of Divisional Forest offices.

Change of head-quarters of Forest Officers.

Powers of Forest Officers under the Forest Act.‡

409. The Director of the Forest School at Dehra Dun is authorized to correspond, when necessary, direct with the Conservators of Forests in the Bombay Presidency on the subject of the analysis of specimens of soils obtained from forests that are protected against fire and from those that are not so protected.§

Correspondence with the Director of Dehra Dun Forest School.

* Government Resolution No 7107, dated 6th September 1892.

† Government Resolution No. 8721, dated 5th November 1892.

‡ Government Resolution No. 8350, dated 28th December 1898.

§ Government Resolution No. 5274, dated 4th August 1888; and G. I., R. & A., No. 595-F, dated 15th June 1888.

III. Correspondence and Reports.

A. CORRESPONDENCE—*concluded.*

Correspondence with
Political Agent, Dángs.

410. The Conservator of Forests should communicate with the Political Agent on subjects connected with the political affairs of the Dángs in which he may consider interference necessary.*

Correspondence with the
Accountant General.

411. The Conservators of Forests should address the Accountant General's office and not the Treasury Officers regarding any extraordinary demands their Department may have upon the treasuries.†

Correspondence with Con-
servators in Madras.

412. The Conservators of Forests in the Madras Presidency are permitted to enter into direct communication with the Bombay Government.‡

Designation on official
letters.

413. At the head of official letters both the name and official designation of the writer and the official designation only of the officer to whom the letter is addressed should be given.§

Vernacular terms to be
avoided.

414. In all official correspondence vernacular terms such as *Pránt* for Assistant Collector in charge of a sub-division, and similar words for which English equivalents are available should be avoided.||

B. Administration Reports.

415. The following headings in the skeleton report are given in the "Table of Contents," which being filled up in accordance with the prescriptions contained in the "Memorandum," have been sanctioned by the Government of India in their letter, Department of Revenue and Agriculture (Forests), No. 10-F, dated 5th August 1904:—

ANNUAL PROGRESS REPORT OF FOREST ADMINISTRATION.

[The report shall not cover more than 20 pages in print.]

Table of Contents.

Chapter I.

Constitution of State Forests.

Section 1 Alteration in area.

- „ 2 Forest Settements.
- „ 3 Demarcation.
- „ 4 Forest Surveys.

* Government Resolution No. 5919, dated 24th November 1871.

† Government Resolution No. 3264, dated 22nd May 1877.

‡ Government Resolution No. 2067, dated 12th March 1883.

§ Circular, General Department, No. 1619, dated 16th March 1906

|| Circular, General Department, No. 1010, dated 13th February 1907.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued*.

Chapter II.

Management of State Forests.

Section 1.—Regulation and Management.

- Sub-section (a) Preparation and control of Regular Working Plans.
- " (b) Preliminary Working Plan Reports.
- " (c) Plans of Operation.

Section 2.—Communication and Buildings.

- Sub-section (a) Roads and Bridges.
- " (b) Buildings.
- " (c) Miscellaneous Works.

Section 3.—Protection of Forests.

- Sub-section (a) General Protection.
- " (b) Protection from fire.
- " (c) Protection from cattle.
- " (d) Protection against injuries from natural causes.

Section 4.—Sylviculture.

- Sub-section (a) Natural reproduction.
- " (b) Artificial reproduction.
- " (c) Operations for the improvement of the growing stock.
- " (d) Experiments.

Section 5.—Exploitation.

- Sub-section (a) System of Management.
 - (i) Major Forest Produce.
 - (ii) Minor Forest Produce.
- (b) Agency of Exploitation.
 - (i) Departmental Agency.
 - (ii) Purchasès.
 - (iii) Rights and Privileges.
 - (iv) Free Grants.
- (c) Outturn and Sources of Forest Produce.

Chapter III.

Financial Results.

Chapter IV.

Administration.

Chapter V.

General.

Appendices.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued*.

Orders regarding the preparation of the report.

416. Memorandum on the compilation of Annual Progress Report of Forest Administration.

I. General.

The following principles should be strictly followed :—

(1) The maximum limit of 20 pages of print should not be exceeded unless the writer has previously obtained the permission of the Local Government to exceed it in any particular year.

(2) The report should contain only the explanation of really important or suggestive variations in the statistics, and the statement of really noteworthy facts in the history of the year's administration.

(3) No mere paraphrasing and reproduction of the statistics should be allowed in the report.

(4) All attempts to offer explanations of variations in the figures, which are not important or unusual, should be excluded, unless the fact alleged in explanation is in itself important enough to demand mention.

(5) The idea that it is necessary to say something should be discarded, and it should be recognized that the briefer a report is the better, provided that it says all that is needed for an intelligent comprehension of the meaning of the facts and figures and of the salient features of the year's work.

(6) The introduction into the text of large numbers of tables of statistics (usually a reproduction in an abridged form of the statistics in the appendices) detracts from the value and interest of the report, while it greatly increases the cost of printing it. *The body of the report should be almost entirely in narrative form.* It will occasionally be necessary to introduce tables of comparative statistics into the narrative, but such tables should be brief and simple and their number rigidly restricted.

(7) The number of maps or diagrams should be restricted ; they should be placed at the beginning or end of the volume.

(8) Tables of statistics should not be printed side-ways on a page unless distinct economy of space thereby results. The foolscap size lends itself easily to the printing of tables with their headings across instead of along the length of the page.

(9) Pages of tabular matter should not be printed with the columns left entirely or almost entirely blank.

(10) It is seldom necessary to give in full detail and in separate columns in Tables of Statistics the corresponding figures for the preceding year. In most cases it will be found sufficient to give corresponding figures for the totals only, by means of one additional line at the foot of the table.

(11) Cross references between the statistical tables and the paragraph discussing them should be given by means of marginal entries on the paragraphs and, if possible, also on the tables themselves.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued*.

(12) The directions of the Government of India that reports should be printed in solid pica and the extracted matter and appendices in small pica should be strictly followed.

(13) Instead of printing the report for each Circle separately as hitherto, the remarks of each Conservator bearing on the same subject should appear in one place. Thus, Chapter I should be printed as shown below :—

II. Special.

Chapter I.

Constitution of State Forests.

1. Alteration in area.

Northern Circle	...	...
Central Circle	...	...
Southern Circle	...	...
Sind Circle	...	...

Outline of the information to be given under the several heads of Chapters.

417. This section should give concisely the areas added or excluded during the year together with the reasons for addition and exclusion. The following four classes of forest should be dealt with :—

(If existing in the circle)—(i) Reserved, (ii) Protected, (iii) Unclassed or Public Forest Land, and (iv) Leased Forests.

2. Forest Settlement.

The progress made in Forest Settlement will be recorded, the area finally settled during the year, that under settlement and the cost and agency employed. An estimate of the area still to be settled should be added, together with suggestions for the future.

3. Demarcation.

The length of boundary demarcated and repaired during the year should be noted, differentiating between the external and internal boundaries. The method employed and its cost per mile should be stated and an estimate be made of the work still to be done.

4. Forest Surveys.

A short report by the Superintendent, Forest Surveys, should, when necessary, be entered here, followed by a brief notice of local surveys, if undertaken. The section should close with an estimate of the amount of survey work still outstanding.

The chapter should end with a statement of the total expenditure under the head "Constitution of State Forests."

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued*.

Chapter II.

Management of State Forests.

1. Regulation of Management.

(a) Preparation and Control of Regular Working Plans.

Under "Preparation" should be mentioned the area for which new Working Plans were sanctioned during the year and the area for which Working Plans were in compilation. In each case the system of working prescribed or proposed should be recorded; and, in the case of completed plans, the cost per square mile. Under "Control" it should be mentioned whether the prescription of existing plans were carried out, and important deviations should be explained and the authority therefore stated.

Revision of Working Plans should next be noted and the sub-section should close with an estimate of the area for which Working Plans are still required and a list of Plans which will lapse within the next three years.

(b) Preliminary Working Plan Reports.

A brief notice of the reports submitted or under compilation should here be entered.

(c) Plans of Operation.

Important deviations from sanctioned Plans of Operation should be explained, and if there exist areas for which no Plans of Operations were drawn up, the authority for the omission should be entered.

2. Communication and Buildings.

(a) Roads and Bridges.

The sub-section includes tramways, slides and all other forms of export lines. The information should be sub-divided under the heads of "permanent" and "temporary" works. If the works were of some magnitude, details of interest may be given regarding their nature.

(b) Buildings.

Here again the information given should differentiate between "permanent" and "temporary" works, but no details are required save for permanent buildings of importance. The cost of permanent and temporary roads and bridges and buildings should only be given in totals.

(c) Miscellaneous Works.

A short paragraph may be devoted to a brief description of any miscellaneous works of interest. Otherwise a brief statement of the cost incurred will suffice.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued*.

3. Protection of Forests.

(a) General Protection.

This sub-section is of importance and the total number of forest offences, which came under observation during the year, should be compared with the average of those which occurred during the past three years. In the same way the offences of the year under the heads (i) "Injury by fire", (ii) "Unauthorized fellings" or "Removal of produce", (iii) "Unauthorized grazing", and (iv) "Other offences" should be compared, the reason for any marked increase or decrease being given. In another paragraph the number of cases compounded and brought into Court should be considered together with the percentage of convictions obtained. The sub-section should close with remarks as to undetected cases and the nature of the punishments inflicted by the Magistracy in important forest cases.

(b) Protection from fire.

The sub-section should open with a statement of the method employed throughout the Circle and be followed by information as to the area under regular protection, the percentage of success attained and its cost per square mile. The origin of fires should be considered under the following heads :—

- (i) Those originating in departmental fire conservancy operations.
- (ii) Those crossing outer fire traces.
- (iii) Those due to carelessness or accident by outsiders, or to unknown causes.
- (iv) Those originating from intention or malice.

The extension of operations to hitherto unprotected forests should be noted on.

(c) Protection from Cattle.

The percentage of forest open to (i) Grazing and (ii) Browsing to the whole area may be mentioned. The number of cattle impounded, as compared with the average number of the last three years, should be noted and reasons given for any marked change in these numbers. The injury done by cattle, the means taken to prevent such injury and their results should be recorded.

(d) Protection against Injuries from Natural Causes.

This sub-section should be of interest. Any special danger threatening the forest such as insects, parasites, climbers, snow, etc., should be mentioned, together with the measures taken to avert these dangers.

4. Sylviculture.

(a) Natural Reproduction.

This sub-section is of greatest importance. It should be divided into reproduction from seed and coppice and so treated that the knowledge of the subject may be increased. To this end bald statements of the facts that reproduction was

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued.*

good, indifferent, or bad will not be acceptable unless the reasons are forthcoming. Steps taken or proposed to improve natural reproduction should be noted and some idea given of the area treated and of the operation carried out. The effects of protection in the past should be mentioned and the cost of the work of the year.

(b) Artificial Reproduction.

This should be treated under the heads of (i) Regular Plantations, (ii) Taungya Plantations, and (iii) Cultural Operations. The expenditure as well as the work on each should be considered separately. Cultural operations are those undertaken with a view not to assist natural reproduction (which is treated in the previous sub-section) but to replace it, and differ from regular plantations in that they constitute special works such as the filling of blanks in forest land, the sowing or planting up of areas on which bamboo has flowered, etc.

(c) Operations for the Improvement of the Growing Stock.

This sub-section should deal with operations carried out in favour of the growing stock in natural forests and not with operations on growth induced by artificial reproduction or with those carried out to aid natural reproduction. This will include all weedings, thinnings, clearings, girdling, and improvement fellings involving the removal of *unsaleable* material. Such operations should be kept distinct from exploitations yielding marketable produce. The area operated on and the cost should be entered.

(d) Experiments.

This sub-section should be devoted to a record of experiments made in the introduction of new species or in the utilization of indigenous growth. A brief but interesting record should here be maintained which may be of great use in extending the scope of economic forestry.

5. Exploitation.

(a) System of Management.

(i) Major Forest Produce.

The various systems of exploitation in force under the headings "clear," "regeneration," "selection," "improvement," "coppice," and "unregulated fellings" should be stated and any reasons for increase or diminution of area operated on explained.

(ii) Minor Forest Produce.

The system of disposal of minor forest produce should be explained. Grazing permitted for the purpose of producing revenue should be here treated. Efforts made with a view to increase the utilization of minor forest products may be touched on.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued.*

(b) Agency of Exploitation.

(i) Departmental Agency.

The reasons for the employment of Departmental Agency should be given and the percentage of total outturn extracted by this method. The more important departmental works may be briefly described, including transport by land or water, and depôt arrangements. Major and minor produce should be kept separate for the purposes of this sub-section and the total value of disposals of the year should be entered.

(ii) Purchasers.

The sub-section includes permit-holders and a sub-division as regards major and minor produce becomes a necessity. The working of the permit system and the check at revenue and other stations will here be touched on. The total value of the year's sale should be entered.

(iii) Rights and Privileges.

The sub-section should deal with the utilization by right and privilege holders of the produce placed at their disposal, and explain any increase or decline in the demand; as well as the means taken to permit the proper exercise of rights and privileges without damage to the forests. The estimated value of removals should be stated.

(iv) Free Grants.

Any large grants to individuals or communities may be mentioned and the reasons for the grants explained. The estimated total of the grants should be given.

(c) Outturn and Sources of Forest Produce.

This sub-section will summarize by value the outturn by whatever agency extracted and should do so by classes of Forest (Chapter I (1)) and classes of produce (Major and Minor). Remarks should be added giving any interesting information that may be available regarding the outturn of valuable timbers and of the more important minor products; also as to the number of cattle for which grazing has been provided. This Chapter should end with a statement of the total expenditure incurred under Management of State Forests.

Chapter III.

Financial Results.

A comparison should be made of the income and expenditure of the present and the past year, and the average of five preceding years. An analysis should then be made of the income as derived from major and minor produce, of the expenditure (A) incurred on extension, constitution, improvement and exploitation of the forest property and of that incurred (B) for administrative, executive and protected

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued*.

charges, giving percentages of the whole in each case and at the end the percentage of net income. The extent of outstandings and increase or deficit in stock should be taken into consideration.

Chapter IV.

Administration.

The chapter should deal with establishment, service, and conduct of officers, casualties and relation between Revenue and Forest Officials. The inspection of offices should be briefly reported on. No details need be given of the charges held by various officers during the year, nor the number of days occupied on tour.

Chapter V.

General.

This chapter should deal with any special matter of interest which does not fall under any of the previous heads.

Appendices.

418. The following returns will follow the report :—

						* Bengal Forest Code- Form No.
1.	Area of Reserved Forest	...	...	...	...	51
2.	Area of Protected Forest	...	...	...	...	51A
3.	Area of Forest Proper Reserved or Mixed Fuel and Fodder Reserves under the management of the Forest Department	...	...	...	...	51B
4.	Area of Fodder Reserves and pasture lands under the management of the Revenue Department	...	...	...	...	51C
5.	Progress made in, and expenditure incurred on, Forest Settlement	...	...	...	...	52
6.	Demarcation and maintenance of boundaries	...	...	...	...	53
7.	Forest area surveyed and unsurveyed	...	...	...	...	54
8.	Progress made in Working Plans	...	...	...	...	55
9.	Communications and Buildings	...	...	...	...	56
10.	Register of breaches of Forest Rules	...	...	...	...	57
11.	Area of forest tracts protected from fire	...	...	...	...	58
12.	Areas open and closed to grazing	...	...	...	...	59
13.	Return of grazing in State Forests	...	...	...	...	60
14.	Artificial Reproduction	...	...	...	...	61
15.	Outturn of timber and fuel	...	...	...	...	62
16.	Outturn of minor forest produce	...	...	...	...	63
17.	Account of timber, &c., in depôts and sold locally	...	...	...	...	64
18.	Abstract showing the value of timber and produce at sale-depôts	...	...	...	...	65
19.	Abstract showing the value of Live and Dead Stock.	...	...	...	...	66
20.	Summary of the revenue and expenditure of the different divisions	...	...	...	...	67
21.	Annual account current	...	...	...	...	68
22.	Revenue received and outstandings on account of Revenue	...	...	...	...	69
23.	Statement of outstandings and liabilities on account of contractors and disbursers.	...	...	...	...	70
24.	Annual statement of financial results	...	...	...	...	71

* These forms must be entered at the end of the book.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued.*

No additional returns, giving in a different form, the information contained in the above statements shall be submitted. Any other appendices that may be inserted should be strictly limited to the illustration of important material points mentioned in the annual report.*

Date of submission of annual Administration Report by Divisional Forest Officers.

419. (1) The Divisional Officers will submit their Annual Reports to Conservators on or before 15th August.†

(2) The Conservators should submit to Government by the end of September the reports of their respective Circles in manuscript, the reports being typewritten on one side of the paper only and each sub-section being written on a separate sheet and not one below the other. The several Appendices to the report should also be submitted separately. The Conservators and Deputy Conservator should also be requested to forward a duplicate copy of the report to the Commissioners concerned for review. The Commissioners should be requested to submit their reviews to Government by 15th October, so that the whole report including the Commissioners' reviews and the Appendices may be properly arranged in the Secretariat and printed at the Government Central Press by 1st December.

(3) The extracts from Collectors' remarks should come, as at present, under Chapter V under the heading "*General*," and the Commissioners' forwarding memoranda should come at the end of the report, one after another, the necessary alterations in the numbering of paragraphs and references being made throughout in the revised report. The name of the Conservator forwarding the report should be printed at the beginning of each Chapter, and number and date of the forwarding letter should be included in the preamble of the Resolution to be passed on the reports.‡

(4) Copies of the Annual Forest Administration Report of the Bombay Presidency and of any orders that it may call forth should be forwarded for the information of the Secretary of State for India by the 31st March.§

420. It appears that while officers in charge of the Northern and Sind Circles exclude from Form No. 46B the areas shown in Forms Nos. 46 and 46A, the Conservators, Central and Southern Circles, include those figures in Forms Nos. 46B and 46C. The correct procedure appears to be to show in the Form No. 46 all forest which has been constituted Reserved Forest under the Act; in Form No. 46A all Protected Forests so constituted; in Form No. 46B out of the totals of the areas shown in Forms Nos. 46 and 46A, the areas of forest proper and fuel and fodder reserves

* Government Resolution No. 6560, dated 27th August 1904.

† Government of India, Department of Revenue and Agriculture, No. 16-F, dated 7th June 1892, *vide* Government Resolution No. 5506, dated 6th July 1892.

‡ Government Resolution No. 7177, dated 24th July 1909.

§ Secretary of State's No. 2, Revenue, dated 17th January 1878, *vide* Government Resolution No. 854, dated 16th February 1878.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued.*

(both reserved and protected) which are in charge of the Forest Department; and in Form No. 46C the areas, both reserved and protected, which are in charge of the Revenue Department as fodder reserves and pastures. The areas should be shown accordingly in future, with an abstract at the end of the forms showing the total forest area of all kinds in each Division and Circle. Until the tripartite classification of forests is completed, the reports should contain a paragraph similar to paragraphs 13 and 14 of the Southern Circle report, giving information of the progress made in carrying out that classification.*

NOTE.—Paras. 13 and 14 of the Southern Circle report for 1902-03 deal with the extent to which the work of classification and handing over pasture lands to the Revenue Department, has advanced in that Circle.

421. Form No. 65 (financial results of the year) of the Forest Department

Directions regarding the method of filling in the Code should be carefully compiled in accordance with the directions of the Code so as to avoid discrepancies of the nature noticed by the Government of India in paragraph 11 of their letter No. 652-F., dated 19th June 1888, reviewing the report of Forest Administration in the Bombay Presidency for 1886-87.†

NOTE.—“11. I am to point out that the general statement of Financial Results contained in Form 62 (now Form 65) is differently compiled in the three Circles and is consequently of comparatively little value. In one Circle the column ‘for timber and other produce removed from the forests by Government Agency’ includes that removed by purchasers and consumers, and the column headed ‘other revenue charges’ includes the cost of settlements, and, again, no establishment charges are debited in one Circle to timber works, and in the others in untraceable proportions. Changes in the sequence of divisions have also been noticed in other forms, and this too, it is suggested, should be avoided.” (G. I., R. & A., No. 652-F, dated 19th June 1888—*vide* Government Resolution No. 5016, dated 27th July 1888.)

422. The attention of the Conservators of Forests is drawn to the irregularities in the preparation of the returns of forest area embodied in the Forest Administration Reports brought to notice in the following extract from the memorandum

Irregularities in the preparation of the returns of Forest areas. No. 1736, dated 27th August 1889, from the Director of Land Records and Agriculture, and they should see that correct areas are given in the future reports:—

“It will be seen that the difference in the forest area, as shown in Form A of the Returns of Agricultural Statistics of the Bombay Presidency and that given in the Annual Forest administration Reports, is due to one or more of the following reasons in respect to each district:

(i) The same area as was originally gazetted under the Forest Act of 1878 as reserved forest is annually shown in the forest report though the figure has changed since that time.

(ii) The village papers are not corrected according to the demarcation and final settlement of the forest areas.

(iii) Clerical errors made in preparing the revenue and forest returns, 1889.”‡

* Government Resolution No. 4643, dated 18th June 1904.

† Government Resolution No. 7515, dated 12th November 1888.

‡ Government Resolution No. 7260, dated 27th September 1889.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued.*

423. It is improper to insert criticisms of orders passed by Government in the Annual Forest Administration Reports which should be confined to detailing and explaining the operations of the year and in so far only as they affect these operations should Government orders be referred to. Government expect Conservators to carry out loyally and without cavil the orders issued to them, and the discussion in Administration Reports of the policy of Government orders must be discontinued.*

Criticisms on orders passed by Government should not be inserted in Administration Reports.

424. Hypothetical figures should be avoided in official reports.†

425. The directions contained in the Government of India's Circular No. 654-89, General, dated 14th March 1892; (*vide* Government Resolution No. 3264, dated 7th April 1892), regarding the employment of the correct scientific nomenclature of all plants mentioned in botanic economic reports, should be observed in the preparation of the Forest Administration Reports. As regards the more generally known trees, plants, and products, it will, if the vernacular and not the scientific name is in common use, suffice to give the scientific equivalent once or twice when the product is first alluded to in the report.‡

426. No remarks or comparisons are possible as regards yield of the forests so long as the various descriptions of forest produce are not reduced to the denomination of cubic feet in the cases of timber and fuel, and money in the case of minor forest produce. This should be attended to in future Forest Administration Reports.§

427. The Conservators and Deputy Conservators in charge of circles should be careful in the preparation of their reports to avoid discrepancies between the figures given in the body of the reports and those given in the forms appended to them.||

428. It has been noticed that the information regarding natural reproduction recorded in the Annual Forest Administration Reports is not unfrequently insufficient or vague. the Government of India desire, therefore, that in future in annual reports the general conditions of the forest as regards reproduction may be more clearly and precisely explained. As a rule, reproduction proceeds satisfactorily in forests which are carefully protected from fire and grazing, so that it would only appear necessary to draw attention to the exceptions to the rule and to endeavour to explain

* Government Resolution No. 7232, dated 12th September 1892.

† Government Resolution No. 5664, dated 5th August 1889.

‡ Government Resolution No. 6318, dated 31st August 1893.

§ Government of India, Revenue and Agriculture, No. 816-F, dated 5th August 1889, and No. 577-F, dated 7th July 1890, *vide* Government Resolutions No. 6731, dated 9th September 1889; and No. 6059, dated 26th August 1890.

|| Government Resolution No. 7286, dated 6th October 1893.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*continued.*

the causes of failure with a view to their removal, where possible. These causes may be that seeding does not take place at all, or that the seeds are not fertile or are destroyed by insects and other animals, or killed by frost, drought, and other injurious weather influences, or that the ground is too hard for successful germination, or that the seedlings although produced in numbers, are choked up by rank inferior growth, burnt, grazed down or otherwise destroyed. Similarly, in the event of seedlings coming up in abundance where none were observed before, an attempt might be made to explain what are the favourably determining conditions, and what steps, if any, have been taken to develop these conditions.*

429. The Conservators' reports do not furnish much information with regard to the important work of aiding natural reproduction from seed. In Sind, where it is imperative that the forests should receive the benefit of all surplus water, little was available during the year; and the Government of India trust that the meeting of the conference which, it is understood, has been ordered to consider this subject will result in a permanent solution of the difficulty.†

430. The receipts of Forest Department in Sind represent not only the revenue derived from reserved and protected forests, but also the revenue derived from the sale of wood grown in various tracts of ordinary waste land. It is important that the receipts under all heads from forest reserves should be clearly distinguished in the Administration Reports from receipts from other supplementary sources, as it is otherwise impossible to estimate the real resources of the reserves themselves.‡

NOTE.—The following five sections contain information called for by the Government of Bombay to be entered in the annual reports, though not in accordance with Government Resolution No. 6560, dated 27th August 1904 (see sections 400 to 403, Standing Orders, Forests), which contains the most recent orders of the Government of India on the subject.

431. The information required by section 282, Standing Orders, Forests, should be given in the Administration Reports.§

432. Separate returns should be submitted by the Conservators of Forests with their Annual Administration Reports, regarding the number of cattle impounded in open and closed forests.||

433. Full details should be given regarding grazing operations in the Annual Administration Reports of the Forest Department.¶

* Government of India, Revenue and Agriculture, No. 31-F, dated 30th September 1889, *vide* Government Resolution No. 8144, dated 26th October 1889.

† Government of India, Revenue and Agriculture (Forests), No. 878-F, dated 29th July 1904, *vide* Government Resolution No. 6562, dated 27th August 1904.

‡ Government Resolution No. 4944, dated 8th July 1893.

§ Government Resolution No. 248, dated 12th January 1904.

|| Government Resolution No. 5589, dated 4th August 1891.

¶ Government Resolution No. 7232, dated 12th September 1892.

III. Correspondence and Reports.

B. ADMINISTRATION REPORTS—*concluded.*

434. The Conservators should in their Annual Administration Reports distinguish between misappropriation of (a) timber, (b) firewood, and (c) minor forest produce. The amounts of revenue collected on *each kind of minor forest produce*, in each district, should also be stated.*

Data relating to sums realized by compounding offences.

435. The Conservators of Forests should, in their Administration Reports supply information as to the sums realized from cases compounded under section 67 of the Forest Act.†

C. Demi-official Correspondence.

436. The attention of all officers in the Political, Judicial and Educational Departments, and also, according to Government Resolution No. 3078, dated 31st August 1891, Officers in the Revenue, Financial, General and Separate Departments of the Secretariat, is called to the rule already enforced in the Political Department that unless *demi-official* letters have been brought on the records of Government and referred to by Government, they should not be noticed in official correspondence. Demi-official correspondence is either used to supplement and explain official correspondence in which case the distinction of style indicates a fundamental distinction in the writers' intentions as to its official use, or it is adopted in lieu of official correspondence, to save time, or to secure secrecy, in which case it should be followed by an official communication in due course.

Rules regulating demi-official correspondence.

437. The following rules are laid down for general guidance :—

(i) No demi-official letter or telegram should be quoted in official correspondence without the express sanction both of the sender and the receiver. On no account should it be communicated to Native States or quoted in the issue of orders to subordinate officials.

(ii) Demi-official communications or instructions, which are provisionally required for action or record, must be supplemented by official communications containing no reference to the demi-official correspondence.

(iii) Demi-official correspondences should be limited to the uses above described.‡

D. Confidential Correspondence.

438. The following rules for the treatment of confidential correspondence, sanctioned by the Government of India and circulated to the several departments of the Secretariat with Government Resolution, General Department, No. 578, dated 26th February 1874, are com-

* Government Resolutions No. 7232, dated 12th September 1892; No. 6881, dated 29th August 1892; and No. 9846, dated 15th December 1892.

† Government Resolution No. 8738, dated 24th December 1887.

‡ Government Resolution No. 3078, dated 31st August 1891.

III. Correspondence and Reports.

D. CONFIDENTIAL CORRESPONDENCE—*concluded.*

municated to the officers concerned under Revenue, Financial and General Departments for information and guidance :—

(i) Confidential papers should not pass in usual course through an office. Only the head of the office and a few trustworthy clerks (whose names are to be noted) should deal with them.

(ii) Confidential papers should pass from hand to hand either by personal delivery or be sent in sealed covers.

(iii) The entries in the ordinary office registers and diaries should be made from slips furnished by the confidential clerk who deals with the papers, and should be very general, sufficient merely to admit of the paper being traced, and referring to a separate register. This separate register should be kept by the Confidential Clerk, and should be in the same form and as full as the general register kept for ordinary correspondence.

(iv) Confidential papers should not be brought on the ordinary proceedings, but should be separately recorded, and kept under the personal custody of the Confidential Clerk. If printed, the spare copies and the volumes of proceedings should be treated with the same attention as the originals, and when forwarded for information or use of Government, should be carefully packed under double cover.

(v) As few copies of confidential papers as possible should be printed and a register should be kept of these showing how each copy has been disposed of.

(vi) When confidential papers are sent out of an office they should be put into double covers, the inner one marked "Confidential," and superscribed with only the name of the addressee, and the outer one bearing the usual official address.*

IV. RULES FOR THE INSTITUTION AND DEFENCE OF SUITS.

A. Institution of Suits on behalf of Government.

439. The following rules for the guidance of all officers in connection with the institution and defence of suits and other civil proceedings in the mofussil, in which Government or any officer of Government is a party, or in which Government have any interest, are issued in supersession of all existing rules or orders on the same subject. These rules do not apply to the Province of Sind :—

Preamble with note regarding the Province of Sind.

NOTE.—The Sind Rules are, with the following verbal modifications, identical with those for the rest of the Presidency and were published in Notification No. 6849, *Bombay Government Gazette*, 1882, Part I, pages 951 and 961.

(a) In rules 28, 32, 37 (2), 41, 42, 43, 44, 45, 47, 48, 49 and 71 of the Sind Rules *substitute* "Sadar Court" for the words "High Court."

* Government Resolution No. 1001, dated 18th March 1882.

IV. Rules for the Institution and Defence of Suits.

A. INSTITUTION OF SUITS ON BEHALF OF GOVERNMENT—*continued.*

(b) In the Sind Rules *omit* in No. 42 the words "If the Court records" to "return the papers."

(c) In the Sind Rules *omit* in No. 44 the words from "in accordance with" to "page 167."

440. Rule 1.—Any officer wishing to institute a suit shall submit a clear and detailed report, through the ordinary channel of communication, to the head of his Department, showing—

(a) the circumstances which render the suit necessary ;

(b) the exact nature of the claim for which it is to be brought ;

(c) the steps, if any, which have been taken to obtain satisfaction of the claim without bringing a suit ;

(d) what objection or excuse, if any, the defendant has urged against the claim ;

(e) the evidence, both oral and documentary, which it is proposed to adduce in support of the claim ; and

(f) the evidence which, so far as is known, the defendant will be able to adduce in his defence.

All documents relied upon, and all the correspondence and written proceedings, whether in English or in the vernacular, connected with the proposed suit, should accompany the report.

Rule 2.—It should be stated in the report whether or not the circumstances of the person against whom it is proposed to institute the suit are such as to render it likely that execution will be obtained of any decree that may be given against him.

Solvency of defendant to be inquired into.

The probability of the recovery of a sum at least equal to the costs should be ascertained before recommending the institution of any suit, unless, for reasons which should be explained, it is considered that the suit should be brought, notwithstanding that the recovery of costs is doubtful.

Rule 3.—The head of the department, if he thinks that all the necessary preliminary steps have been taken, and that there is *prima facie* sufficient cause for the institution of a suit on behalf of Government, shall refer the report with his opinion to the Remembrancer of Legal Affairs.

Report to be referred by head of department to the Legal Remembrancer.

Rule 4.—The Remembrancer of Legal Affairs will then thoroughly inform himself of the whole of the circumstances, calling for such further information, or additional papers, as he thinks necessary, and report his opinion to Government in detail as to the advisability of instituting a suit.

Legal Remembrancer's duty on receipt of report.

The report of the officer who proposed the institution of the suit and the opinion of the head of the department should accompany the report of the Remembrancer of

IV. Rules for the Institution and Defence of Suits.

A. INSTITUTION OF SUITS ON BEHALF OF GOVERNMENT—*concluded.*

Legal Affairs to Government; but the rest of the papers should be retained by the Remembrancer of Legal Affairs pending the orders of Government, unless for any reason he deems it necessary that any of them should be laid before Government.

Rule 5.—The report of the officer who proposed the institution of the suit and all other documents accompanying the report of the Remembrancer of Legal Affairs to Government will be returned to him with the order of Government for record in his office.

Papers to be recorded in the Legal Remembrancer's office.

Rule 6.—If the institution of the suit be sanctioned, a draft of the plaint will be prepared by the Government Pleader of the district in which the suit is to be instituted, in consultation with the officer who proposed its institution, and will be submitted by him direct to the Remembrancer of Legal Affairs for approval. After the Legal Remembrancer has accorded his approval thereto, the plaint shall be signed, verified and presented by the said Government Pleader.

Preparation of plaint.

B. Defence of Suits.

441. *Rule 7.*—Section 424 of Civil Procedure Code requires that suits against Government or Government officers should be preceded by a notice to be left either with a Secretary to Government, or with the officer concerned. When a notice of this kind is received by a Secretary to Government it will be at once forwarded to the officer principally concerned in, or cognizant of, the matter respecting which an action is threatened.

Notices of actions and procedure to be followed in dealing with them.

The officer receiving any such notice, whether from a Secretary to Government, or direct from the complainant, should give it immediate and careful attention. The complainant should be desired, when his complaint is vague in the statement of the alleged infringement of this right, or of the officer whose acts are impugned, to set these points forth succinctly and clearly, as the most effectual means towards obtaining such relief as may properly be given. Should it prove impossible to obtain a lucid and definite statement of the complainant's case in this way he should be examined orally as to all important points, and his answers should be taken down in writing, and verified by his signature, or by a memorandum that the paper was read over to the complainant and assented to by him. The documents above referred to should in every case be carefully preserved, together with any that the complainant may produce in support of his claim or complaint.

Rule 8.—The conduct or act complained of may have been either (1) wholly indefensible, (2) justifiable, or (3) of a mixed or doubtful character. In every case the officer receiving the notice should endeavour, without prejudice, to determine to which of these classes it is to be assigned.

Examination of the grounds of complaint.

IV. Rules for the Institution and Defence of Suits.

B. DEFENCE OF SUITS—*continued.*

If it is indefensible, it is his duty to do what lies in his power to give immediate redress or to obtain it by a full report to the proper authorities.

If the complaint is plainly groundless, or if the threatened action is one which must undoubtedly be defended, if it is brought, no further notice need be taken of the complaint, but the officer concerned should at once proceed, as far as possible, to collect the information and papers which will be afterwards required under Rules 11 and 12.

The chief difficulty arises in the third class of cases; and in these the officer receiving the notice should use every possible effort to distinguish between acts which have been properly done in the discharge of a public duty and those in which, through carelessness, ignorance, or imprudence, some real cause for complaint has been given. Such analysis will, in the majority of cases, reduce these acts under one of the two heads already considered, and they should then be dealt with accordingly. Where there is a doubt as to the real intention of the Government or of a superior authority in any order, the carrying out of which has occasioned the complaint, that doubt should be cleared up by an immediate reference. When there is a doubt as to the legality of the act complained of, though in apparent fulfilment of a rule or order, issued by a superior authority, a clear statement of the case should be submitted for orders to be issued after the opinion of the law officers shall, if necessary, have been obtained.

Pending references in cases falling under either the first or third head, the complainant should be informed that some delay is requisite for the proper disposal of his complaint, and, when instructions have been received, he should be at once informed of what is to be done; but every endeavour should be made to have the matter disposed of within the period of two months from the delivery of the notice allowed by the Civil Procedure Code before the threatened action can be instituted.

Rule 9.—When a suit has been instituted, if it is against Government, and the summons is therefore served on the Government Pleader, Preliminary steps when summons is served on Government Pleader, he shall *at once* procure an *uncertified* copy of the plaint and forward it and the copy of the summons received by him (with the date of its receipt by him noted on the back) to the officer who himself, or by his subordinates, is alleged to have given rise to the plaintiff's cause of action.

If the plaint relates to the acts of two or more officers, the Government Pleader shall communicate as above with the principal of such officers.

Rule 10.—If, owing to the suit being against an officer in his official capacity, the summons is served on that officer personally, he shall Preliminary steps when summons is served on an officer personally, *at once* forward a *vakalatnāma* to the Government Pleader (unless the Government Pleader already holds a general power-of-attorney from him), and procure from him an *uncertified* copy of the plaint.

IV. Rules for the Institution and Defence of Suits.

B. DEFENCE OF SUITS—*continued.*

Rule 11.—The officer to whom the Government Pleader refers under Rule 9, and any officer who is sued in his official capacity, and who desires that Government should undertake the defence of the suit, shall collect, with the least practicable delay, all the information regarding the facts of the case which he can procure.

Officer concerned to collect information.

Rule 12.—He is then, within one month from the date of his being first apprized of the institution of the suit, to submit the following papers, through the ordinary channel of communication, to the head of his Department, namely :—

Papers to be submitted to the head of Department.

(a) a copy of the plaint in the vernacular ;

(b) a translation of the same into English, in half margin, the more important of the statements therein being distinctly marked with letters (a), (b), and (c) and notes being added in the margin stating whether such statements are correct or not, and, if not, in what respect they are inaccurate (when the requisite explanation cannot be thus compressed, reference should be made to the paragraph of the accompanying statement in which the matter should be fully discussed) ;

(c) a full and detailed statement (1) of the circumstances which led to the suit, (2) of the course which it is proposed to adopt, namely, whether to admit, compromise, or defend the suit, and of the reasons for the same, and (3) if it is proposed to defend the suit, of the grounds on which it is proposed to base the defence, and of the evidence to be adduced ;

(d) if the case turns on documentary evidence, copies of the documents (or the originals) relied on by the plaintiff (if procurable) and by the defence ;

(e) all the correspondence and written proceedings, whether in English or in the vernacular, connected with the subject matter of the suit, together with translations of important vernacular papers connected with the subject-matter of the suit, and if files of papers are being sent distinguishing marks should be used so as to indicate the papers to which attention is to be directed.

The forwarding report should state distinctly (1) the number of the suit, (2) the date on which, and the Court in which, it was instituted, (3) the names of all the parties, (4) the amount or value of the claim, (5) the date fixed by the Court for the first hearing, and (6) whether notice of the action has been given under Section 424 of the Civil Procedure Code, and, if so, the date of delivery of such notice.

Rule 13.—If the suit is against an officer in his official capacity he shall instruct the Government Pleader to move the Court from time to time, to grant an extension of the time for hearing the claim, under Section 423 of the Civil Procedure Code, until the orders of Government are received. In the case of suits against Government, the Government Pleader shall make the necessary applications to the Court for time, under Section 420 of the Code, without express

Applications for adjournments pending receipts of orders.

IV. Rules for the Institution and Defence of Suits.

B. DEFENCE OF SUITS—*continued.*

instructions. If in any instance the Court is likely to decline to grant further time, it is the duty of the Government Pleader to inform the officer concerned in the defence of the suit, and, in emergent cases, the Remembrancer of Legal Affairs.

Rule 14.—If two or more officers belonging to different departments are sued jointly, or if the plaint in a suit against Government relates to the acts of two or more such officers, they should, with the least possible delay, communicate one with the other, and after, if possible, mutual consultation with a view to a common line of defence, arrange for the preparation of a joint report. When a joint report is not sent, a separate report should be submitted simultaneously by each officer, care being taken by the officer principally concerned that all the requirements of Rule 12 are complied with.

Rule 15.—The provisions of Rules 3, 4 and 5 relating to the institution of suits on behalf of Government, shall apply, *mutatis mutandis*, to reports submitted under Rule 12.

Rule 16.—If the defence of a suit against Government is sanctioned, or if Government undertakes the defence of a suit against an officer in his official capacity, the written statement to be filed in answer to the plaint shall be subscribed and verified by the Government Pleader whose duty it is, under sections 420 and 426 of the Civil Procedure Code, to “answer to the plaint,” and in the case of a suit of the latter class the Government Resolution sanctioning the defence is to be deemed to be the Government Pleader’s “authority to appear and answer to the plaint,” and he shall at once on receipt thereof move the Court to cause a note of his authority to be entered in the Register, but shall not produce such Resolution in Court.

Rule 16 (a).—Sanction to the defence of a suit, the plaint in which is not accepted for want of jurisdiction but returned for presentation to the proper Court having jurisdiction, shall, for the purposes of Rule 16, be held to include sanction to the defence of any suit based on the same cause of action that may be brought in such other Court, unless, in the opinion of the Legal Remembrancer, there are special reasons which render it desirable to obtain further orders from Government in the matter.

In any such case the report under Rule 12 should be confined to forwarding such papers and information as are necessary to enable the Legal Remembrancer to consider whether any modification of his previous opinion, or addition to, or alteration in the grounds on which it was proposed to defend the former suit, is requisite. If the Legal Remembrancer considers there are no special reasons which render it desirable to obtain further orders from Government in the matter, he shall communicate his instructions for the defence of the new suit to the officer submitting the report under Rule 12 and to the Government Pleader, who shall thereupon proceed in accordance with Rule 16.

IV. Rules for the Institution and Defence of Suits.

B. DEFENCE OF SUITS—*concluded.*

Rule 17.—The written statement and the issue sought on behalf of Government are ordinarily to be in strict accordance with the opinion of the Remembrancer of Legal Affairs so far as concurred in by Government; but the Government Pleader is responsible, in communication with the officer concerned in the suit, for the correctness and exhaustiveness of the details of the defence.

C. Conduct of Suits.

442. *Rule 18.*—The responsibility for the conduct of a suit in accordance with the opinion of the Remembrancer of Legal Affairs, so far as concurred in by Government, shall rest with the Government Pleader, unless special counsel is appointed on behalf of Government; and it is the duty of the Government Pleader, during the progress of the suit, to consult the Remembrancer of Legal Affairs on all matters connected with it as to which he experiences any difficulty, or doubt, and especially in respect of any interlocutory order made by the Court, or any application of the opposite party which seems to require particular instructions.

If special counsel is appointed, it is the duty of the Government Pleader, subject to the orders of the Remembrancer of Legal Affairs, to instruct him, and, when necessary, to prepare his brief, and generally to aid him in the conduct of the case.

Rule 19.—In cases connected with the departments under the control of the Collector and Magistrate of the District, it is his duty, or that of any subordinate whom he may specially depute for the purpose, and in cases connected with any other department it is the duty of the officer who proposed the institution, or who sought the sanction of Government for the defence of the suit (as the case may be), to ascertain that the Government Pleader, or special counsel, is thoroughly acquainted with the facts of the case, and with the evidence to be adduced in support of the claim, and to see that the necessary evidence, whether oral or documentary, is ready by the proper time. The Government Pleader must keep the Collector, or other officer, informed on all points on which his co-operation is necessary, and report, with the least possible delay, if any further evidence or information is required, moving the Court, if necessary, from time to time to postpone the case, or adjourn the hearing.

Rule 20.—When a suit is under trial, some intelligent officer thoroughly conversant with the facts of the case should be deputed to be present to instruct the Government Pleader as to the truth concerning matters which arise unexpectedly, and to direct his attention to the documents, or other evidence, that may become important at each stage of the trial. In important cases, and in

Government Pleader's duties whilst a suit is under trial.

Collector or other officer to furnish information and prepare evidence.

An officer to be present at the trial to aid the Government Pleader.

IV. Rules for the Institution and Defence of Suits.

C. CONDUCT OF SUITS—*continued.*

every case in which special counsel is retained, an Assistant or Deputy Collector, or an officer of similar rank, should be deputed for this purpose.

Rule 21.—Should there be a difference of opinion between the Government Pleader or special Counsel and the Collector or other officer at whose desire the suit has been instituted or defended, as to the manner of conducting the case, or should the opinion of the Remembrancer of Legal Affairs prove unintelligible on any point, or open to objection, the Remembrancer of Legal Affairs shall at once be communicated with in order that the difficulty may be settled. Should there eventually be an irreconcilable difference of opinion between the Collector or other officer and the Remembrancer of Legal Affairs, a reference shall forthwith be made by the latter to Government.

Rule 22.—The following important points relating to the conduct of all suits should be carefully attended to by Government Pleaders and all officers concerned, namely :—

Settlement of differences of opinion.

(a) the averments in a plaint, or in a written statement, should generally be based in every material point on the proof which can be adduced in support of them ;

(b) the evidence, whether oral or documentary, on which it is intended to rely, should be carefully scrutinized by the Government Pleader *before* it is adduced, and he should advise as to its admissibility, and probable importance or unimportance for the purposes of the suit, and suggest what evidence, if it be forthcoming, may with advantage be substituted for that which, in his opinion, would be weak or inadmissible ;

(c) all the available evidence should be assiduously collected and made ready for the day fixed for its reception, and the necessity of making applications for adjournment should, as much as possible, be avoided, and such applications on behalf of the opposite party should, unless they are made for sufficient reasons, be resisted as tending to prolong the litigation, and to give opportunities for the fabrication of false evidence ;

(d) all documentary evidence should be ready and be produced at the first hearing of the suit (*i. e.*, the day fixed for the settlement of issue), as required by section 138 of the Civil Procedure Code, and when a suit is instituted, the documents sued upon should be produced in Court when the plaint is presented, together with copies thereof, as required by sections 59 and 62 of the Code, and the list of other documents relied upon as evidence, which is required by section 59 to be annexed to the plaint, should be very carefully prepared. Applications to the Court to accept any document in evidence at any subsequent stage of the trial should, unless under special circumstances, be avoided, as such applications cannot be granted without the grant of similar indulgence to the opposite party which may place Government at a disadvantage, and should be resisted, as holding out a temptation to forgery ;

IV. Rules for the Institution and Defence of Suits.

C. CONDUCT OF SUITS—*concluded.*

(e) documents filed by the opposite party should be carefully examined at the earliest opportunity, and compared with originals in the Government Records, or with other papers which tend to establish, or subvert their authenticity ;

(f) the *production* of documents in the possession of Government or of any Government Officer when lawfully required by the Court, or by the opposite party, should not be resisted unless for good and sufficient reasons, such as are recognized by law ; but the question of the *admissibility* of the documents, when produced, should be carefully considered, and argued, it being borne in mind that the opinions of individual officers contained in official correspondence (which is so often called for by persons engaged in litigation with Government in order to establish their case) are, as a rule, *not admissible* in evidence ;

(g) the object of Government in sanctioning either the institution, or defence, of any suit is simply to establish the truth ; and whilst Government expect the utmost vigilance and care on the part of those entrusted with the conduct of litigation on their behalf in asserting and protecting their just interest, they would impress upon pleaders who have the charge of cases that they will not countenance any attempt to snatch an unfair advantage by the withholding of important evidence, or by any disingenuous proceeding whatever.

Rule 23.—As soon as a suit is decided the Government Pleader shall communicate the nature of the decision to the Collector, or other officer concerned, giving, in important or interesting cases, a brief statement of the grounds thereof. A duplicate of the Government Pleader's report shall be at once forwarded by him direct to the Remembrancer of Legal Affairs.

Decision to be reported at once by Government Pleader.

Rule 24.—The Government Pleader shall then obtain with as little delay as possible two copies, one certified and the other uncertified, of the Court's judgment and one certified copy of its decree. The certified copies of the judgment and decree he shall forward to the Collector or other officer concerned ; the uncertified copy of the judgment he shall forward to the Remembrancer of Legal Affairs direct.

Government Pleader to obtain and forward copies of judgment and decree.

Rule 25.—If the decision is entirely in favour of Government, the copies may be forwarded by the Government Pleader according to the last rule without comment, and the Collector or other officer shall communicate the result of the suit to the head of his department, sending him a copy of the judgment, or not, as, under the circumstances of the case, he thinks fit.

Procedure when decision is entirely in favour of Government.

The Legal Remembrancer shall communicate the result of the appeal to Government, together with a copy of the written judgment. The result of any such appeal need not be communicated by the head of the department to Government, unless he is of opinion that for special reasons it is desirable to do so, in which case he shall submit his report to Government through the Legal Remembrancer.

IV. Rules for the Institution and Defence of Suits.

D. Appeals.

443. *Rule 26.*—If the decision is either wholly or

In case of adverse decision Government Pleader to report whether he recommends an appeal.

partially adverse to Government, the Government Pleader when forwarding copies of the decree and judgment to the Collector or other officer concerned, shall state his opinion, with reasons as to whether an appeal should be brought.

Rule 27.—The Collector or other officer, after perusing the judgment, shall

Collector or other officer to report to the Legal Remembrancer.

call upon the Government Pleader to send him uncertified copies of such exhibits recorded in the case as he deems necessary to explain the grounds of the decision so far as it deals with the merits of the case (or, in important cases,

of *all* the material exhibits), and shall forward them, together with the certified copies of the judgment and decree already received from the Government Pleader, with a report, stating his opinion as to whether the decision should be acquiesced in or appealed against, direct to the Remembrancer of Legal Affairs.

Rule 28.—This report must be despatched so as to reach the Remembrancer

Time within which report must be made.

of Legal Affairs within *fifteen days* after the date of the decree, in cases in which an appeal lies to the District Judge, and within *one month* after the said date, in cases

in which an appeal lies to the High Court.

Rule 29.—A copy of the report shall be sent simultaneously to the head of the

Duty of head of department.

department, who, if he concurs in it, will merely file it, but if he differs from it, or considers it otherwise necessary to address Government on the subject of it, shall submit a separate report on it without delay to Government through the Remembrancer of Legal Affairs.

Rule 30.—The Remembrancer of Legal Affairs, after calling for such further in-

Legal Remembrancer to report to Government.

formation, or additional papers, as he think necessary, shall report his opinion to Government as to whether an appeal should be made or not, or as to what other course should be pursued. His report must be despatched in time to enable the orders of Government upon it to be acted upon, if necessary, within the period prescribed by law for filing an appeal.

The report of the Collector or other officer, and, if any have been received, that of the head of the department also, should accompany the report of the Remembrancer of Legal Affairs to Government; but the rest of the papers should be retained by the Remembrancer of Legal Affairs, pending the orders of Government, unless for any reason he deems it necessary that any of them should be laid before Government.

Rule 31.—The report of the Collector, or other officer, and of the head of the

Papers to be recorded in the Legal Remembrancer's office.

department, if any, and all other documents which accompany the report of the Remembrancer of Legal Affairs to Government will be returned to him with the order of Government for record in his office.

IV. Rules for the Institution and Defence of Suits.

D. APPEALS—continued.

Rule 32.—If an appeal be sanctioned, the Collector, or other officer, will instruct the Government Pleader in the District Court, or in the High Court, accordingly, at the same time sending him a *vakalatnāma* (unless the Government Pleader already holds a general power-of-attorney from him), if the suit is against him personally. If the appeal has to be made to the District Judge, the Remembrancer of Legal Affairs will return the copies received by him, under Rule 27, to the Collector or other officer, who shall make them over to the Government Pleader for his use in the Appeal. If the Appeal has to be made to the High Court, the said copies shall be sent by the Remembrancer of Legal Affairs direct to Government Pleader in that Court, and it shall be the duty of the Collector or other officer in consultation with the District Government Pleader to send to the Government Pleader in the High Court, with the least practicable delay, copies of all the remaining material, exhibits and other papers connected with the suit for his information and guidance.

Rule 33.—Appeals are ordinarily to be based strictly on the grounds recommended by the Remembrancer of Legal Affairs and concurred in by Government; but when an appeal is sanctioned generally against a decision the Government Pleader is responsible for availing himself of all legitimate grounds on which the decree may be open to objection, notwithstanding that any of them may have escaped the notice of the Remembrancer of Legal Affairs, or not have been mentioned by him.

In important or intricate cases the memorandum of appeal should be submitted to the Remembrancer of Legal Affairs for approval before being filed in Court.

Rule 34.—If an appeal is brought by the opposite party against a decision either entirely or partly in favour of Government, a notice of the appeal will be served by the Court either on the Government Pleader or on the officer concerned. In the former case the Government Pleader shall at once obtain an *uncertified* copy of the memorandum of appeal, and forward it and the notice received by him (with the date of its receipt noted on the back) to the Collector or other officer concerned or to the principal of the officers concerned. In the latter case the officer concerned shall at once send the Government Pleader a *vakalatnāma* (unless the Government Pleader already holds a general power-of-attorney from him) and obtain from him an *uncertified* copy of the memorandum of appeal.

Rule 35.—The Collector or other officer concerned shall then carefully compare the grounds of appeal with the Court's judgment, and after consultation, if necessary, with the District Government Pleader, report his opinion as to whether the appeal should be defended, and make any explanation or remarks that may be needed with reference to the grounds of appeal. His report should be submitted to the head of his department and be accompanied by the same documents as are required to accompany a report under Rule 27.

IV. Rules for the Institution and Defence of Suits.

D. APREALS—concluded.

Rule 36.—The head of the department shall refer the report, with his opinion, to the Remembrancer of Legal Affairs, and the provisions of Rules 30, 31 and 32 shall then apply *mutatis mutandis* to the said report and its accompaniments, and to the Remembrancer of Legal Affairs with regard to his duty in respect thereof, and to the instruction of the Government Pleader, if the defence of the appeal is sanctioned by Government.

Rule 37.—The provisions of Rules 18, 19, 20 and 21 apply equally to the conduct of appeals as to the conduct of original suits except (1) that a discretion must be exercised by the Government Pleader in meeting new points raised for the first time in appeal, but that he should apply for an adjournment to enable him to advise with the officer concerned, or with the Remembrancer of Legal Affairs, if necessary, or any such points in which he may not have been fully instructed, or to which he is not able to furnish an immediate reply; (2) that it is only necessary to depute an officer to be present to assist the Government Pleader in the High Court when express orders are received from Government to that effect.

Rule 38.—When two or more officers of different departments are concerned in a case in which an appeal is desired on behalf of Government, or in which an appeal is brought by the opposite party, the foregoing duties will devolve on the principal of such officers, subject, as far as may be, to the provisions of Rule 14.

Rule 39.—When an appeal has been decided by a District Court, the provisions of the Rules 23, 24 and 25 shall be observed so far as they are applicable, just as in the case of the decision of an original suit.

E. Second Appeals.

444. Rule 40.—When an appeal from an original decree has been decided by a District Court, either wholly or partially adversely to Government, the same course is to be pursued with respect to the bringing of a second appeal as in the case of an appeal from an original decree, provided that if the Remembrancer of Legal Affairs is clearly of opinion that the case is one in which the law allows no second appeal, it shall not be necessary for him to refer it for the orders of Government, and the result of the first appeal need not be communicated to Government, unless the head of the department, or the Remembrancer of Legal Affairs, is of opinion, for special reasons, that it should be. If the head of the department communicates the result of an appeal to Government under this rule, he shall submit his report to Government through the Remembrancer of Legal Affairs.

Rule 41.—When a second appeal is brought against an appellate decree either wholly or partly in favour of Government, the same course shall be pursued as when an appeal is brought in the High Court against a similar original decree.

IV. Rules for the Institution and Defence of Suits.

E. SECOND APPEALS—*concluded.*

Rule 42.—When an appeal, whether against an original or appellate decree, has been decided by the High Court, the Government Pleader shall communicate the nature of the decision, as soon as it is pronounced, to the Legal Remembrancer giving a brief statement of the grounds of the decision.

High Court's decision in an appeal how to be reported.

He shall then obtain, with as little delay as possible, two certified copies of the Court's written judgment, if any, and of its decree, and forward one to the Legal Remembrancer, and the other, with the papers in the case, to the Collector or other officer concerned. The Collector, or other officer, shall inform the head of his department of the result of the case, sending him a copy of the written judgment, if any, or not, as he deems necessary.

The Legal Remembrancer shall communicate the result of the appeal to Government, submitting a copy of the written judgment also, if any have recorded. The result of any such appeal need not be communicated to Government by the head of the department unless the decision appears to him to be specially inconvenient, or to affect the administration in some unusual manner, in which case he shall forward his report to Government through the Legal Remembrancer.

V. SECURITIES TO BE TAKEN FROM FOREST SUBORDINATES.

445. In suppression of the rules issued with Government Resolution No. 1049, dated 9th February 1891, regarding the taking of securities from Forest Subordinates, His Excellency the Governor in Council is pleased to approve, subject to some slight modifications, of the rules under section 207, Act XII of 1850, prepared by the Conservator of Forests, Southern Circle, and revised by the Remembrancer of Legal Affairs. The rules as approved are appended, and the several Conservators and Deputy Conservators in charge of Circles should adopt them as regards persons appointed by them and communicate them to all whom they affect.*

*Rules referred to in paragraph 1 of Government Resolution,
Revenue Department, No. 3767, dated 18th May 1895.*

In accordance with the provisions of section 2 of Act XII of 1850, the following rules have, with the approval of His Excellency the Governor in Council, been made requiring the amount and kind of securities and the sureties to be given by every person appointed to any office in which such person is to be entrusted with the receipt, custody or control of any such moneys as are specified in section 3 of the said Act :—

Rules for taking securities from Forest Subordinates.

Rule 1.—Every Forest Officer below the rank of Extra Assistant Conservator, whether appointed permanently or temporarily, whose duty requires that he should be entrusted with the charge of Government money and drawing pay at the rate of Rs. 10 or over, shall furnish security with one or more sureties as the Principal Forest Officer of the Circle may direct, for a sum which shall in no case be less

Persons from whom security should be taken.

V. Securities to be taken from Forest Subordinates.

Amount. (a) than the aggregate of the pay payable to such subordinate for 12 months' service, or,

(b) than the amount of forest revenue or funds which such subordinate is, by special authority from the Principal Forest Officer of the Circle, permitted to hold at any one time in his custody.

Rule 2.—Every such Forest Officer shall within one month, on obtaining Occasions on which temporary or permanent promotion or on the decease or security is required. withdrawal of his original security, furnish fresh security.

Rule 3.—The Divisional Forest Officer shall keep a register of all securities furnished by Forest Officers below the rank of Extra-Register of securities. Assistant Conservator in his Division, for scrutiny by the Principal Forest Officer of the Circle during the course of his annual tour, and shall submit annually to the Principal Forest Officer in the first week of January, a certificate that all such securities are good and sufficient.

The register shall contain such particulars as the Principal Forest Officer may from time to time direct.*

Rule 4.—The Divisional Forest Officer may, at A Divisional Forest Officer may decline to accept any security. discretion and without stating his reasons, decline to accept any person as surety.

Rule 5.—The Principal Forest Officer of the Circle may at any time direct that the security to be furnished under these rules shall be in the form of a deposit of Government Promissory or Currency Notes or Cash. Form of deposit.

446. His Excellency the Governor in Council is also pleased to pass the following supplementary orders on the subject for the guidance of Forest Officers :—
Supplementary rules.

Rule 1.—The Divisional Forest Officer will be held responsible that security is furnished and maintained by every Forest Officer below the rank of Extra Assistant Conservator in his Division, who may be required under the rules made by the Principal Forest Officer of the Circle, under section 2 of the Act XII of 1850, to furnish security; and he shall in consultation with the Mámldár of the táluka in which the surety resides, satisfy himself that the surety is, and continues to be, a proper one. Divisional Forest Officer is responsible that good securities are furnished.

Rule 2.—Care must be taken that no person's security is accepted on behalf of a disproportionately large number of Forest Officers below the rank of Extra-Assistant Conservator, whether of the same Range or Department or not. Securities should not all be in one man's name.

Section 445, page 280.

Insert the following in its proper place :—

“Rule 6. In cases where an employee is required, as a condition of his office, to deposit cash or negotiable securities, the bond of an Insurance Company cannot be accepted in lieu thereof. But a bond may be accepted in place of personal securities if the Local Government concerned is satisfied with terms of the bond and the solvency of the Company.” (Government Resolution No. 2228, dated 5th June 1913, Financial Department).

V. Securities to be taken from Forest Subordinates.

Rule 3.—In the first week of January a statement (in the form now in force, see appendix, Form No. 9, Standing Orders, Forests) of the securities furnished by Forest Officers below the rank of Extra Assistant Conservators in their Divisions, shall be submitted to the Principal Forest Officer of the Circle by the Divisional Forest Officers.

Rule 4.—No Forest Officer shall in any case keep in his own custody, any item of Forest Revenue for more than 8 days after its receipt by him, but shall remit it to the Treasury or to the Range Forest Officer, as the general or special departmental orders issued for his guidance may direct.

No Forest Officer shall allow a larger sum of revenue than the amount of security which he has furnished to accumulate or remain in his charge but shall remit the money at once to the Treasury or to the Range Forest Officer, as the standing orders issued for his guidance may direct.

Rule 5.—In no case shall a Forest Officer accept ready money payment when it can be avoided, but he shall furnish the payer with a Challan and direct him to pay the money direct to the Treasury and return the Challan signed by the Treasury Officer as a voucher.

Rule 6.—The amount of advance to be made to a Forest Officer should never, as a rule, exceed the amount of his security, but should it be found absolutely necessary on any special occasion to supply a Range Forest Officer with funds in excess of the amount for which he has furnished security, save in the case of advance made for the payment of salaries and the allowance of the Range Forest Officer's establishment, the fact should be reported to the Principal Forest Officer of the Circle.

447. Defalcations must be reported to Government as soon as there is reasonable ground for believing them to have been committed.*

NOTE.—By order of Government Resolution No. 2932, dated 8th April 1905, rules for the collection of revenue and issue of passes are framed by the Conservators for their respective Circles.

VI. SUPPLY OF UNIFORMS.

448. The following articles of uniform have been sanctioned by Government for Forest Subordinates:—

* Government Resolution, Financial Department, No. 1024, dated 25th February 1907.

VI. Supply of Uniforms.

*Rangers on Rs. 50 per mensem and upwards.
Essentials for four years.*

No.	Articles.	Cost.	Cost for four years.	Remarks.	Firm from which the articles should be procured.
		Rs. a. p.	Rs. a. p.		
1	(a) Overcoat with cape.	8 0 0	8 0 0	(a) Black cloth.	Ruttansey Curramsey and Company, Bombay.
✓ 2	(b) Khaki blouses ...	3 8 0	7 0 0	(b) See figure.	
2	(c) Serge blouses ...	6 0 0	12 0 0	(c) Dark green with silver lace ends.	
✓ 4	Khaki breeches ...	3 0 0	12 0 0	Capitation grant for 4 years at Rs. 5 per annum ... Rs. 20	
✓ 2	(b) Forage caps ...	2 8 0	5 0 0	Deduction from pay at Rs. 1-4-0 per mensem for 4 years ... Rs. 60	
2	(c) Puggnis ...	4 12 0	9 8 0		
				Total Rs. 80	
✓ 4	Pair Khaki Putties ...	1 2 0	4 8 0		North-West Tannery, Cawnpore.
4	Pair brown lace boots ...	5 8 0	22 0 0		
	Total Essentials ...	...	80 0 0		

Extras for Rangers on Rs. 50 and upwards.

449. Cost to be recovered in monthly instalments during four years. They will, however, last with care over several contract periods as they are not to be worn daily for rough work.

No.	Articles.	Cost.	Remarks.	Firm from which the articles should be procured.
		Rs. a. p.		
1	Full dress tunic and trousers dark green with black braid and scroll.	35 0 0	To be paid for by extra monthly subscription of Rs. 0-13-6 for four years.	Ruttansey Curramsey and Company.
1	Pair of black lace boots ...	5 0 0		North-West Tannery, Cawnpore.

NOTE.—No extra charge over puggris. Two Ellwood Topis (Shikar pattern) for those who do not wear puggris. Cost of Topi Rs. 6 to be paid for by extra monthly subscription of 2 annas per month.

VI. Supply of Uniforms.

450.

*Foresters on Rs. 20 to Rs. 40 per mensem.**Essentials for four years.*

No.	Articles.	Cost.	Cost for four years.	Remarks.	Firms from which the articles should be procured.
		Rs. a. p.	Rs. a. p.		
1	(a) Overcoat with cape ...	8 0 0	8 0 0	(a) As for Rangers ...	Ruttansey Curramsey and Company, Bombay.
2	(b) Khaki blouses ...	3 0 0	6 0 0	(b) Khaki with silver lace ends.	
2	(a) Serge blouses ...	5 8 0	11 0 0	Capitation grant for 4 years ... Rs. 20 0 0	
4	(a) Khaki breeches ...	3 0 0	12 0 0	Deduction at Rs. 1-2-6 per mensem for 4 years ... Rs. 55 8 0	
				Total ... Rs. 75 8 0	
2	(a) Forage caps ...	2 8 0	5 0 0		
2	(b) Puggris ...	3 8 0	7 0 0		
4	(a) Pair of Khaki Putties ...	1 2 0	4 8 0		
4	(a) Pair of brown lace boots ...	5 8 0	22 0 0		
	Total Essentials	75 8 0		North-West Tannery, Cawnpore.

451.

Extras for Foresters on Rs. 40.

No.	Articles.	Cost.	Remarks.	Firms from which the articles should be procured.
		Rs. a. p.		
1	Full dress tunic and trousers dark green cloth with plain braid.	30 0 0	By extra monthly payment of Re. 0-11-8.	Ruttansey Curramsey and Company, Bombay.
1	Pair black lace boots ...	5 0 0		North-West Tannery, Cawnpore.
	Total ...	35 0 0		

452. Members of the Subordinate Executive Forest Service below the Rs. 30 grade of Foresters are supplied with uniforms free of cost.*

* Government Resolution No. 1410, dated 12th February 1906.

No. 74

Page 283, Section 450.

For "Foresters on Rs. 20 to Rs. 40 per mensem", read
"Foresters on Rs. 15 to Rs. 40 per mensem pay"

VI. Supply of Uniforms.

453. *For all ranks from Rs. 15 per mensem and under.*

No.	Articles.	Cost.	Cost for four years.	Remarks.	Firms from which the articles should be procured.
		Rs. a. p.	Rs. a. p.		
1	Great coat without cape ...	7 0 0	7 0 0	Capitation grant at Rs. 5 per mensem ... Rs. 20	Ruttansey Curramsey and Company, Bombay.
4	Khaki suits (blouses and knicker-bockers) ...	4 0 0	16 0 0	Deduction at Re. 0-8-0 per mensem for 4 years ... Rs. 24	
2	Serge blouses ...	4 0 0	8 0 0	Total ... Rs. 44	
4	Caps ...	1 0 0	4 0 0		
2	Pair of Khaki Putties ...	1 0 0	2 0 0		
4	Pair Champals ...	1 6 0	5 8 0		Babaji Narayan Mochi at Vengurla.
2	Havresacks ...	0 12 0	1 8 0		Ruttansey Curramsey and Company, Bombay.
	Total Essentials ...		44 0 0		

454. There still remain "Equipments"; these are the articles which Government pay for and *add* to the uniform or dress. They should be limited to the following:—

For Rangers and Foresters.

	Rs. a. p.	Firms from which to be obtained.
(1) Silver monogram for cap or puggri (Tudor Crown over scroll with "Forests" inscribed below) cost of each ...	2 8 0	A. Bhikaji and Company, Bombay.
(2) Buttons, white metal, for coats, etc. (Laurels surrounding Tudor Crown over word "Forests") per dozen ...	0 14 0	A. Bhikaji and Company, Bombay.
(3) Black braid scrolls on sleeves as per rank, each costing ...	0 4 0	Ruttansey Curramsey and Company, Bombay.

For Forest Guards.

(4) Brass monograms according to Divisions, each ...	0 4 0	Ruttansey Curramsey and Company, Bombay.
(5) Buttons, brass, for coats, etc., pattern same as for Rangers, per dozen ...	0 10 0	
(6) Badges or arm stripes, each costing ...	0 1 0	
(7) Belts with brass buckles, each costing ...	1 4 0	North-West Tannery, Cawnpore.

(a) Each Divisional Office should keep a sealed pattern of the various uniforms.

VI. Supply of Uniforms.

(b) No other uniform but that prescribed should be used.

(c) It is optional for men acting in higher grade to pay for the uniform of the grade in which they are acting.*

VII. INAMDAR'S FORESTS.

455. In cases where at the time of the settlement, forest rights had been specially reserved, and were not in the enjoyment of the Inámdár, he should be held to have no claim whatever to them. In such cases the Collector may, if he thinks fit, either retain the forests on account of Government or else sell them for their full value to the Inámdárs. The Collector will exercise this discretion only after consulting with the Forest Officers.

456. In cases where the Inámdár has at the time of settlement exercised rights of Forests, and the land has not been specially set apart for valuation, according to Rule 2 of section 2 of (Bombay) Act II of 1863, then the settlement should be made according to the survey assessment, irrespective of the value of the trees, which should be held to belong unreservedly to the Inámdárs. In cases where the Inámdár has at the time of the settlement exercised forest rights, and the land has not been surveyed and assessed, but has been reserved for special valuation, then in making the settlement the value of the land for purposes of cultivation, together with the forest growth thereon, should be taken into consideration.†

Cases in which the Inámdárs have rights to forest growth.

Cases in which the trees should be evaluated.

457. Where the right of the trees has hitherto unquestionably belonged to Government, they should either be felled or sold, or disposed of in any other way the Conservator may advise. Inámdárs or others who attempt to make away with trees of this description should be criminally prosecuted. In cases where the absolute right of Government in the trees cannot be established, there appears no remedy against an Inámdár who refuses the settlement as regards trees when the Summary Settlement of the land revenue of the village has been already effected.‡

458. All cases in which Inámdárs claim a right over the forests in their villages should be referred to the Forest Settlement Officer for a careful inquiry and separate report in each case for the final orders of Government. The Forest Settlement Officer's duty simply will be to inquire fully into the case, to report the result of his investigations and to record his opinion

* Government Resolution No. 6729, dated 25th September 1902.

† Government Resolution No. 1796, dated 11th May 1867, and Secretary of State's No. 7, dated 31st August 1867, vide Government Resolution No. 353B, dated 17th October 1867.

‡ Government Resolution No. 4044, dated 14th March 1867.

VII. Inamdar's Forests.

which Government will be at liberty either to accept or to refuse to accept. The reports should be submitted to Government, through the Collector and the Legal Remembrancer, without passing through the Commissioner's office. That officer may be referred to when occasion may arise. It is advisable that the Sanad should be examined in every case before the forest is allowed to be cut down in Inám villages.

459. Government do not consider it desirable that titles which have been settled under the Summary Settlement Acts should be excepted from the operation of the above ruling. Where quit-rent has been calculated on forest revenue, there is no room for doubt, but it seems expedient that Government should be satisfied either from such fact or otherwise that the settlement did extend to forest land before the claims of Inámdárs to such lands, which are often very valuable, are finally admitted.*

460. Question as to forest rights in Devasthan lands and such other small holdings should be reported to Government for orders as they arise through the Remembrancer of Legal Affairs.†

461. It is not necessary that the Inámdár should be called upon in every case to state whether he claims forest rights, and if so upon what grounds. The object of the inquiries into the forest rights of Inámdárs, which are not in any sense judicial or conclusive inquiries, is to enable Government to determine in what Inám villages they will and in what they will not assert forest rights. When once it is ascertained that a village has come under Summary Settlement, Government have at once the means of determining their cause without further investigation and it seems quite unnecessary to trouble the Inámdár. In most other cases also, the nature of an Inámdár's title is ascertainable without reference to him, and the Inámdár should only be asked to furnish information or to state his own views when the Forest Settlement Officer has reason for doubting the real state of the case concerning his village.‡

462. The rules on which Government have hitherto acted in deciding cases regarding the forest rights of Inámdárs in their villages should be adhered to. These rules are (1) that the words "Jal, Taru, etc.," in a Sanad give a right to the forests; (2) that the Inám Commissioner's decisions are final; and (3) that the Summary Settlement gives a right to the forests.§

463. Though it is very desirable that the management of the forests in the Tálukdári villages of the Panch Maháls should be in the hands of the Forest Department, yet it would not be equitable to maintain that management without the consent

* Government Resolutions No. 6457, dated 29th October 1881; No. 3303, dated 28th April 1883; No. 2037, dated 6th March 1884; No. 4111, dated 21st May 1884; No. 7092, dated 5th October 1886; and No. 7851, dated 5th November 1886.

† Government Resolution No. 6457, dated 12th September 1890.

‡ L. R. No. 1608, dated 16th December 1885, *vide* Government Resolution No. 469, dated 20th January 1886.

§ Government Resolution No. 8185, dated 9th October 1885.

VII. Inamdar's Forests.

of the Tálukdárs. It is probable that the consent of the Tálukdárs may be obtained if they are treated liberally in regard to their revenues and if the objects of Government are fully explained to them. They should be made to understand that Government desire to undertake the management of their forests not for the sake of profit but in the general interest of the country, and that it is intended that the whole of the net profits of the forests realized under Government management shall be made over to them or credited towards their Jama, Government retaining no part of the forest produce as their own, but only adding to the annual Jama payment such sum as appears equitable on account of the portion of the revenues of the estate derived from forests.

The Tálukdárs should be recognized as full proprietors of the soil of their estates including the forest lands, the right of Government being confined to a charge on the rental.

Government do not propose to make any addition on account of the profits of forests to the Tálukdár's Jama as fixed by settlements now current. These principles are applicable to all the estates in the Panch Maháls which are held on the Tálukdári tenure.*

464. The following rules proposed by Mr. Gordon, Collector of Thána, for Rules† for assessment of assessing forests in Inám villages in the district for the forests in Inám villages in purposes of the Summary Settlement were approved by Thána. Government :—

(1) One-third of the produce being first deducted for the cost of conservancy, the Inámдар will pay Government one-eighth of the remainder of the produce whenever he cuts his jungles.

(2) The Inámдар will report to the Collector beforehand the kind of wood he is about to fell and the duration of the fellings.

(3) The Inámдар will give passes according to such orders as may be issued by the Collector. Wood sent without a pass may be dealt with as Government wood.

(4) The Inámдар will show the *boná fide* receipts of the forests and will keep such accounts as he may be ordered to keep.†

NOTE.—Kabuláyats made with Inámдарs under the above rules are contracts outside Rule 2 of section 6 of Act VII of 1863. Government Resolution No. 8640, dated 24th October 1885.

465. By a Summary Settlement an Inámдар, whatever his rights before, becomes, by virtue of the proprietary right in the soil which such settlement confers, entitled to all forest rights over all lands at the time of such settlement in his *holding*, when a Summary Settlement has taken place, the right to the trees does not depend on any mention of the trees or any expressed intention to give or retain the contract over them, but solely on the question whether the trees stand within the area of which the Summary Settlement applies.‡

* Government Resolutions No. 4723, dated 23rd June 1883; No. 8999, dated 15th November 1884; and No. 1664, dated 26th February 1885.

† Government Resolution No. 254, dated 23rd January 1865.

‡ L. R. No. 368, dated 6th April 1889, *vide* Government Resolution No. 5572, dated 11th August 1890.

VII. Inamdar's Forests.

466. Inámdárs whose titles have been adjudicated before the Summary Settlement Act became law, and who have since agreed under the Act to pay a Nazrána of one anna in order that their holdings may become their transferrable private property are to be deemed to have full proprietary rights as Inámdárs to whom a Summary Settlement has been applied.*

467. In those villages in which the service grant was made by Government, prior to the alienation of the village of the Inámdár, and thus excluded from the Inám to the latter, the right to the trees in such service lands would undoubtedly vest in Government, while in the villages where the service grant was subsequent to the alienation of the village, such right must be considered to vest in the Inámdár.†

468. The orders passed in Government Resolution No. 9578, dated 19th December 1889, have been modified to the following extent. Rights of Watandárs to cut trees, Watandárs who still perform services are allowed to cut down trees in their holdings with the permission of the Collector first obtained, which the Collector may refuse if he sees good grounds for doing so. An executive order should be issued to Collectors that where the custom is for the land to pass from an occupant to his natural heirs independently of the Watandár who actually performs the service, the permission should be given, but that where the land passes with the office and the holder enjoys only a temporary usufruct, permission should only be given for good reasons such as that the trees are ready to fell, damage the crops or the like.

The rules should be that :—

Rules regulating the cutting of trees by Watandárs. (a) Occupants of service holdings may, with the previous permission of the Collector, cut away trees standing in their holdings.

(b) The Collector shall not, except for express reasons, to be recorded in writing, refuse permission unless the trees be reserved at the survey, or form portion of sacred groves or are road-side or other trees useful to the community, and whose destruction would be a public loss.

(c) In the case of an application to cut isolated teak or other reserved trees, the Collector may grant them on payment of their estimated value. Where a permission to cut several of such trees is applied for, the application should be disposed of by the Conservator.

(d) Where trees are reserved in the case of ordinary occupants they should be reserved also in those service lands to which a settlement converting them into private property has not been applied. The occupants of service lands concerned should be warned that the concession now allowed is granted as an act of grace and not as an admission of any right, and that it is revocable at the pleasure of Government.‡

* L. R. No. 31, dated 6th January 1885, *vide* Government Resolution No. 539, dated 19th January 1885.

† Government Resolution No. 5987, dated 6th September 1888.

‡ Government Resolution No. 6376, dated 9th September 1890.

VIII. Regulations for Forest Department Rest-houses.

VIII. REGULATIONS FOR FOREST DEPARTMENT REST-HOUSES.

469. 1. The rest-house is for the accommodation of District Officers of the Forest Department and they are given preference to other District Officers and travellers. But it is open to occupation free of charge by all Government Gazetted Officers when travelling on duty and, with the previous permission of the Divisional Forest Officer, by other officers when travelling on duty. It is also open to occupation by travellers with the previous permission of the Divisional Forest Officer and on payment of fees at the rates specified in Rule 11.*

2. No one may occupy the rest-house for more than ten consecutive days without the previous permission of the Divisional Forest Officer.

NOTE.—This period should be counted by the number of nights passed in the bungalow.

3. No person may occupy more than one room when accommodation is required by other officer or travellers.

4. All persons occupying the rest-house are requested to enter their names designation, if any, residence and dates of arrival and departure and amount paid in fees in the Register which will be kept in the rest-house.

5. All persons occupying the rest-house are prohibited from sheltering their horses or cattle or vehicles (except bicycles) within the verandahs of the rest-house.

6. All persons occupying the rest-house will be held responsible for damage done by themselves or their servants to the rest-house or its furniture.

7. There is a person in charge of the rest-house, but persons occupying the house should make their own arrangements for supplies and carts.

8. The Divisional Forest Officer should be referred to in all cases of dispute. Any person who may have any complaint to make should address that Officer by letter or enter their complaint in the remarks column of the Register.

9. No sweeper is attached to the rest-house, and persons occupying the rest-house must make their own arrangements for service during their stay in the bungalow.

10. The peon in charge is absolutely prohibited from living or sleeping in any room of the rest-house. Officers and travellers are requested to bring any instance of this rule having been infringed to the notice of the Divisional Forest Officer.

11. The fees when payable under Rule 1 are as follows :—

Eight annas per night for each person occupying a spare room; two or more persons occupying the same room will pay only the single fee of eight annas. Persons passing the night at the rest-house must pay the full fee; those occupying it only between sunrise and sunset pay only half the fee.†

* Government Resolution No. 6511, dated 2nd July 1907.

† Government Resolution No. 8375, dated 27th November 1903.

VIII. Regulations for Forest Department Rest-houses.

469a. Rent-free quarters should be built for F—
 Guards' quarters. guards in localities where no suitable accommodation
 be had in villages.

No special accommodation will be provided for guards attached to offices in towns where there are facilities for obtaining private accommodation for guards posted in dry healthy localities where the men can make such arrangements in villages within their beats.

The average estimates for guards' quarters for the different Circles are :—

Northern Circle	...	...	Rs. 700.
Central and Southern Circles	...	...	Rs. 550.*

IX. TOLLS.

470. Foresters, Forest Inspectors and Guards when
 Forest Subordinates ex- actually engaged on their duties are exempt from payment
 empted from paying toll. of Ferry and Road tolls.†

471. In exercise of the powers conferred on him by section 1 of Bombay Act II of 1878 (amending Bombay Ferries Act, 1868), the
 Ferry tolls. Governor in Council is pleased to declare that the
 persons, vehicles, animals, etc., mentioned in the following list are exempted from
 Persons exempted. from payment of Ferry tolls in addition to the persons exempted
 Ferry toll fees. by section 3 of Bombay Act II of 1868 :—

1. All officers and soldiers of	*	*	*	*
2. *	*	*	*	*
	*	*	*	*

8. Carts actually employed in the conveyance of
 Carts working for Public material for the construction or repair of Public Works,
 Works Department. constructed or maintained by Imperial, Provincial or Local
 Funds.

In other cases when a ferry is crossed by carts, etc., hired for, or in use on the Public Service the toll is to be paid and the sum recovered by a contingent bill. For instance, a Collector will pay toll for the whole of the carts containing his own baggage and the Government records and tents recovering the toll on account of the latter by a contingent bill.

9. Peons of all Departments wearing their belts.
 Peons exempted.

10. Mail carts	*	*	*
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* Government Resolutions No. 9522, dated 1st October 1907; and No. 9507, dated 1st October 1909.

† Government Resolutions No. 570, dated 29th January 1877; No. 1477, dated 7th March 1877; and No. 3777, dated 26th May 1886.

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Add the following at the end of the section :—

				Rs.
Sind Circle :—	Single house	182
	Double house	...	...	295
	Three-roomed house	...	...	450
	Four-roomed house	...	...	590

IX. Tolls.

Mail carts, etc., exempted.

11. All Military and Public stores and * * *

12. All Village and District Officers and all officers belonging to any Departments under Government when actually travelling on duty, and who have been exempted under section 5 of the Tolls Act, 1875, and all Public Works and Local Fund Mistries, Mustering Karkuns, Postal-runners, Mukadams and Peons, when provided with a pass showing that they are *bonâ fide* employed in these Departments.

Village and District Officers exempted when on duty.

Postal-runners, etc., exempted.

13. * * * * *

Provided also that the exemption from payment of Ferry tolls in case of Government Officers is limited to the officials abovementioned and their actual conveyance, and does not extend to their camp equipage and personal baggage. The exemption is only to extend to the one horse on which the Officer may happen to be riding.*

NOTE.—In the above section only such rules as apply to Forest Officers have been entered; those portions of the Government Resolution applying to other Departments have been omitted.

472. The following memorandum from the Remembrancer of Legal Affairs, No. 658, dated 8th June 1882, on the above subject has the sanction of Government :—

Explanation of above rules.

“The provision of the notification referred to above, which directs that the exemption from payment of ferry tolls which is limited to Government Officers and their actual conveyance ‘is only to extend to the one horse on which the Officer may happen to be riding,’ is not applicable to an officer whose ‘actual conveyance’ when he has to cross a ferry happens to be, say, a tonga and a pair of ponies or a camel.”

“2. The object of the provision is to prevent any misapplication of the term ‘actual conveyance.’ For instance, an officer may require six riding horses to accomplish a journey. In crossing a ferry the horse he happens to be riding is exempt, but not the other five horses. So, too, if an officer is making a journey by stages, using various modes of conveyance, the particular one which he is actually using when he has to cross a ferry alone is exempt from paying of toll whether it happens to be a carriage and pair, or a riding horse or a camel, or an elephant or any other kind of conveyance.”

“3. The above provision has been taken from a Government order of long standing (Government Resolution No. 2183 of September 15th, 1869) and, in my opinion, requires no modification at all.” †

X. MISCELLANEOUS.

473. The Forest Department equally with other Departments of the State should, when possible, give carrying work to the Supply and Transport Corps.‡

Regarding employment of the Supply and Transport Corps.

* Government Notification No. 1582, dated 2nd May 1882.

† Government Resolution No. 2294, dated 20th June 1882.

‡ Government Resolution No. 7029, dated 16th December 1902.

X. Miscellaneous.

474. The proposal to levy, in addition to the tree-tax leviable under the A'bkári Act, a fee of one anna per tree for permission to tap toddy trees growing in Reserved or Protected Forests or in the beds of tanks or on the banks of canals and waste lands in charge of the Irrigation Department is sanctioned. The fees should be collected by the A'bkári Department and credited to the accounts of the Department in whose charge are the trees in respect of which the fees are paid.*

475. The following kinds of office tents are sanctioned for Forest Officers in the Presidency proper and Sind :—

Office tents.

In the Presidency proper.

(1) For Conservators—

(Elgin Mills.)

1 Hill tent, 14' x 14', with both syawns (price)	...	...	Rs.
2 Raotis for Peons, 12' x 12', each	...	...	426
			60

(2) For Divisional Forest Officers (except Ratnágiri) and officers in charge of Working Plans Branches—

1 Hill tent, 13' x 13'	...	...	...	400
2 Peons raotis, 12' x 12', each	...	...	...	60

Officers in charge of Working Plans parties are allowed 2 raotis 12' x 12' for Surveyors in addition to the above.

(3) For Sub-Divisional Officers—

1 Field Officers' Kabul Pál, 9' x 8', with outer fly extended to the grounds and with bathroom	...	...	...	141
1 Raoti for Peons, 10' x 10'	...	...	...	55

Cost of carriage from Cawnpore is not included in the above figures.

The lifetime of a tent should be taken to be 10 years.

The purchase of a new set of tents will not be allowed until a certificate is furnished that the old set is unserviceable.

The purchasing officer will be held responsible for buying any cheap and flimsy tent.†

476. Grants of advances for the purchase of tents are admissible subject to the condition that no fresh advances should be drawn by an officer so long as any arrears of a previous advance are outstanding :—

Advances for purchase of tents.

		Imperial.	Provincial.
		Rs.	Rs.
For Forest Officers under 8 years' service	...	400	200
From 8 to 16 years' service	...	600	300
After 16 " " "	...	800	400

Recoveries should be made in equal instalments spread over 3 years.‡

* Government Resolution No. 3479, dated 30th April 1884.

† Government Resolution No. 14, dated 3rd January 1907.

‡ Government Resolution No. 3636, dated 9th September 1907.

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Add the following clause :—

Rent for toddy trees growing in Forest lands should be recovered by the Forest Department at the rate of 8 annas per tree when they are given for tapping. But permission to tap the trees can be given only by the Excise and not by the Forest Department. §

The Forest Guards should mark and number the toddy trees in forest lands and receive remuneration at 6 pies per tree tapped. ||

Add to foot-note the following :—

§ Government Resolution, R. D., No. 5544, dated 8th June 1911.

|| Government Resolution, R. D., No. 319, dated 12th January 1914.

X. Miscellaneous.

477. The following kinds of medicine chest should be supplied to Forest Supply of Medicine chest. Officers :—

Medicine chest (Rs. 20).

- (i) Conservators of Forests.
- (ii) Divisional Forest Officers.

Medicine tin boxes (Rs. 6-8-0).

- (i) Sub-Divisional Forest Officers.*

477a. Conservators and Deputy Conservators in charge of Circles should indent for the supply of quinine required for their Circles on the Superintendent, Yerávda Central Prison.†

Supply of Quinine.

478. Conservators of Forests are empowered to grant advances not exceeding two months' pay to non-gazetted officers for the purchase of conveyances.‡

Advances for purchase of conveyance.

The advance shall be repaid in 12 equal monthly instalments and the advance shall not exceed the value of the conveyance purchased.

The conveyances shall be considered the property of Government till the advance is fully repaid.‡

Not to employ Government servants in making private purchases.

479. Officers are not to employ public servants in making purchases or in private matters involving receipt or expenditure of money.§

480. Subscription to the General Provident Fund is compulsory in the case of all Europeans and Eurasians on attaining a substantive pay of Rs. 100 a month or more.

All Europeans and Eurasians drawing less than Rs. 100 a month and all natives of India in permanent pensionable Civil employ will be permitted to join the new Fund as optional members.

The monthly rate of subscription must be not less than $6\frac{1}{4}$ per cent. and not more than $12\frac{1}{2}$ per cent. on the salary of each subscriber for the month; and, as between these two limits, must be at the rate of either $1\frac{1}{4}$, $1\frac{1}{2}$ or $1\frac{3}{4}$ annas in the rupee. If the Officer is on foreign service the subscription will be calculated on his assumed pay.

A subscriber may alter his rate of subscription, with effect from the beginning of any financial year, by giving notice before the end of the preceding year.||

* Government Resolutions No. 565, dated 3rd February 1903; and No. 2623, dated 24th May 1904.

† Government Resolution No. 7626, dated 10th August 1906.

‡ Government Resolution, Financial Department, No. 510, dated 5th February 1906.

§ General Department Circular No. 1309, dated 7th March 1905.

|| Government Resolution No. 2464, dated 22nd June 1909.

I. General Policy and Classification of Forests.

CHAPTER V.

GOVERNMENT POLICY WITH REGARD TO FORESTS.

I. GENERAL POLICY AND CLASSIFICATION OF FORESTS.

481. The following extract from the Secretary of State's Despatch No. 14, dated 24th April 1863, to the Government of Fort St. George, contains general remarks on the question of Forest Conservancy :—

General Policy.

16. The importance of Forests, not only as yielding timber and firewood, but as affecting the rainfall, the climate and the soil, and as protecting in mountainous regions, the country of the

Use of Forests.

plains, has been overlooked, not in India alone but in other countries of the world. But of late years sounder views on this point have been adopted. Humboldt very broadly stated (and the statement is now very generally accepted) that the more cultivation increases and the forests diminish the drier both soil and climate become. Nor is there any reason, as I remarked in paragraph 6 of my despatch of the 9th March, No. 7, if the forests are properly managed and a judicious outlay is bestowed on them, why a proportionate profit should not be obtained from them. Whatever may have been the case formerly, there can be no doubt of this in India now, since the introduction of Railways, the stimulus given to the construction of other public works, and the building of private houses and manufactures, from the increased and the increasing influx of Europeans into India, has created so large a demand for timber.

17. To forests, from their nature, the usual maxim of political economy, which leaves such undertakings to private enterprise cannot be applied. Their vast extent, the long time that a tree takes to reach maturity, and the consequence that few persons live long enough to obtain any, and more specially the highest, returns for expenditure, even once in the course of their lives, are proofs of the necessity that forest management should be conducted on permanent principles and not be left to the negligence, avarice or caprice of individuals, and therefore point to the State as the proper administrator, bound to take care that, in supplying the wants of the present generations, there is no reckless waste, no needless forestalling of the supply of future generation. This is matter of experience, not in India only but in all other countries of the world. For several years past some of the forests of your Presidency have been under the superintendence of an able Conservator and a small Forest Department, and the attention of your Government has been creditably directed to their preservation from utter ruin. But, as Major Morgan has observed in the report before me, "conservancy is yet in its infancy." What has been done, however, has shown that by extending the system, and placing it on a sound and permanent footing, much more might be done. To attain this the Forest Department should be made thoroughly effective and all forests, without exception, should be at once brought under its authority. The Conservator should have competent Superintendents under him, with a moderate, but still a sufficient staff suited for

Necessity of Forests being managed by the State.

Forests should be placed under proper management.

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Insert the following new section:—

480a. *Printing*.—(i) Heads of offices have been authorised to get their printing work done at Government presses in urgent cases in anticipation of Government sanction which should be obtained later on. No work should be sent to a private press for printing unless it is of such an urgent nature as to preclude its being printed at a Government press in time.*

(ii) The charges in respect of work done at private presses will be met from the contingent grants of the officers concerned, but they should not be actually paid until they have first been passed for payment in the Presidency proper by the Superintendent of Government Printing and in Sind by the Manager of the Commissioner's Press, Karachi.†

(iii) Conservators are authorized to sanction the printing of notices of sale of forest produce, etc., at Government presses.‡

Add the following foot notes:—

* Government Order, General Department, No. 600, dated 29th January 1917.

† Government Order, General Department, No. 6259, dated 12th August 1915.

‡ Government Order, General Department, No. 10655, dated 1st September 1917

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the requirements of each forest. He should lay down general rules which should only be departed from with his permission, and when a difference in the circumstances of a district might render a change expedient. Some system of this kind does, I am aware, exist to a certain extent, but it requires to be made more complete, and to have a permanent character.

18. The rules should, for the most part, be determined on in concert with the Revenue Authorities. Intimately connected as the forests are with cultivation, it is highly important that the department should work in strict connection and communication with the Collectors of the several districts and their Subordinate Officers. I mention this, as I regret to perceive, from Mr. Spring's Report, that this has not been the case on the borders of Cuddapah and North Arcot, the jungles of which have, notwithstanding your orders, suffered very much in consequence.

19. One rule which is of paramount importance should at once be adopted whenever circumstances permit it. The cuttings should be conducted by the Officers of the Department. To the want of such a rule and the admission of Contractors to do this work or to cut trees on the payment of seignorage fees, may be traced in great measure the wholesale destruction which has occurred in all the forests of India. Instances of the truth of this view will be found in the account given by Major Morgan of almost every forest. He calls it in one place, and with great justice, "a simple way of saving the assistant trouble and conveying the largest share of the profit into the pocket of the Contractor." It does not, therefore, seem to me that the case of the contract suggested by Captains Beddome and Brine was quoted by the Acting Conesrvator inappositely as an example of the superiority of conservancy over the system of felling by Contractors. It is, I think, therefore to be regretted that, by the order on your proceedings of December 20th last you have sanctioned rules for working the forests of the Kurnool, Cuddapah and Salem Districts on the seignorage fee principle. When an establishment of sufficient strength is given to these forests, this arrangement should be altered.

NOTE I.—The system of contracts which it is meant here to condemn are those by which persons obtain the privilege of cutting timber and bringing it out of the forests and selling it on their own account. (Government Resolution No. 1773, dated 27th April 1865.)

NOTE II.—The policy at present is to employ Contractors where possible, especially in such forests in which the coupe system is in force, the danger of unlawful and over-felling being practically put out of the question by the reservation of trees according to the rules of the Working Plans and sufficient supervision of the Forest Officials.

* * * * *

21. Another point which has hitherto been neglected is that sufficient protection should, as far as possible, be provided to persons working in the forests and the jungles. Major Morgan mentions the want of proper shelter for the men employed in the Anamallais as one of the causes of the loss on that forest, and due provision for those who are working in these fever-haunted localities, besides being a duty

Housing of Forest the establishment.

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on the part of Government would also, by husbanding the health and strength of their servants, prove in the end a measure of economy.

NOTE I.—The health of Forest Officers, who are necessarily out in the forests during a large portion of the most unhealthy season of the year, should be cared for as far as may be possible. Nothing will tend more to this end than the building of small huts for their accommodation in convenient situations. (G. I., A. R. & C., No. 465 of 11th April 1872; *vide* Government Resolution No. 2021, dated 26th April 1872.)

NOTE II.—Government in their Resolution No. 4643, dated 18th June 1904, paragraph 6, order that a programme for the construction of buildings and roads be drawn up for the Presidency proper which should cover a term of 5 years.

22. I have lately in paragraph 6 of my despatch of the 9th March urged upon you the necessity of impressing upon all officers concerned the caution of the Governor General as to the Reservation of valuable forests, and this caution seems more necessary after a perusal of some of the opinions expressed in the report now before me.

* * * * *

24. I quite agree with Your Excellency in Council that it is not desirable that there should be any reservation of trees on lands made over to purchasers, although in these cases a valuation may be put upon the trees before the sale.*

482. 1. The guiding principle that forest administration is a branch of general administration and that responsibility for a wise and efficient management of forests rests as much with the Collectors and their Assistants as with the officers of the Forest Department, has been laid down in Government Resolution No. 2448 of 8th April 1890. While, on the one hand, the creation of a separate and specially trained Department has made it unnecessary and undesirable that Revenue Officers should interfere with the professional work of Forest Officers, it is essential, on the other hand, that the position and authority of the Collector, as the officer responsible for the executive management and well-being of his District and the head of the Forest Department therein should be upheld and effectively safeguarded. This principle is of general application; but its observance is specially important in Districts such as Thána, where large tracts, formerly recognized as open to the villagers for communal purposes, have been included in forests and where, as observed by the Forest Commission, former customs and conditions of agriculture give the cultivators strong claims to liberal treatment in all arrangements for the distribution of forest produce and where, owing to the system of forest demarcation which circumstances have made it necessary to adopt, local as well as imperial wants have generally to be met from the same areas. In its management of forest the ease and contentment of the people is an object of greater solicitude to Government than the realization of revenue, and while no relaxation of precautions necessary for the conservation and reproduction of the timber and firewood supplies can be permitted and the Forest Officers must be vigorously supported in resisting unauthorized encroachments, Government have no desire to increase their forest revenue by the curtailment of conceded privileges or of local supply, or by the levy of excessive charges for

* Government Resolution No. 3816, dated 10th December 1864.

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grass and other minor forest produce. The benefit of any revenue so obtained would be altogether insufficient to countervail the hardship and irritation that would be caused were the rayats unduly pressed in the matter of obtaining *rad* and firewood, grazing for their cattle or grass for thatching and other household purposes. In this connection, the attention of all officers is called to the orders passed in Government Resolutions Nos. 7467 of 15th September 1885 and 7022 of 4th October 1886.

NOTE.—The orders contained in this paragraph apply to the grazing of sheep and goats as well as cattle. (Government Resolution No. 775, dated the 29th January 1891.)

2. Government are sensible of the zeal by which the Conservators and Forest Officers generally are actuated, and of the good work which is being done by them. Unless, however, the Revenue Control of Privileges by the Revenue Authorities. Officers keep a watchful eye over all forest operations, affecting local supply and local privileges, there is evident danger of the intentions of Government being frustrated and misconstrued through excess of zeal for conservancy on the part of Forest Officials. Disregard of the rule which requires all orders regarding privileges to be sent through the Collectors has on more than one occasion caused hardship and inconvenience to forest villagers, which might doubtless have been avoided had the Collector been given the opportunity of objecting, which the rule itself provides. It is to the Collectors and Commissioners that Government must look to exercise the check which is required and to enable them to do so more effectually than at present it is necessary to direct that in future all orders affecting local supply and privileges in forests shall be issued *exclusively* by the Collectors, and shall be communicated to the people interested through the ordinary revenue channels. All orders regarding closure of forest compartments, whether for planting or reboisement, or for punitive purposes, except closure of coupes recently felled in regular rotation in accordance with duly sanctioned Working Plans, must be held to fall within this category.*

483. 1. In their Resolution No. 16-A, dated 1st March 1883, the Government of India asked for the advice and co-operation of Local Governments as to the action which should be taken for the better protection of the cattle of the country during seasons of drought, and at the same time indicated the general outlines of the scheme which appeared most likely to secure the desired result.

2. This scheme, while seeking to encourage the people to store more carefully the grasses produced in their fields, and, where possible, to store hay, had for one of its principal objects the extended growth and reproduction of the fodder trees and bushes on which Indian cattle are so largely dependent for food supply in years of scarcity. The question was asked whether, in some cases, land could not be purchased for the above purpose and information was called for which would indicate how far the cattle in each district required protection, the extent of waste land available and the best means of managing any land which could be set apart for the purpose.

* Government Resolution No. 650, dated 26th January 1891.

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3. The Government of India are convinced, from a perusal of the reports received, that the subject deserves to be further analysed, and studied in greater detail, before it is safe to draw any final conclusions.

4. The lands of each province may, for the purpose of this Resolution, be Division of Forest lands. ranged under three classes, viz. :—

1 Cultivation.

2 { Pastures.

2 { Fodder Reserves.

3 Forests, properly so called.

5. The Government of India accept the proposition that no impediment should be offered to the extension of permanent cultivation wherever the welfare of the Agricultural communities demands it. It is only Extension of cultivation, in cases in which the expansion of arable land is less profitable or—unless protected by a sufficient area of pastures, fodder reserves and forests—is unsafe, that restriction is required. While it is true that in some richly irrigated tracts no grazing or fodder reserves and but few forests are required, and that it is more profitable to grow what food the cattle may require in the cultivated fields and to import timber and other forest produce needed by the population, it is equally true that in other less favoured localities the profitable continuance of agriculture depends upon the existence of grazing lands, of fuel and fodder reserves or forests.

6. It must first be considered to what extent “pastures,” “fodder reserves,” and “forests” are required in each locality in order to meet Proportion of various classes of forests required in different localities. public wants and to secure the proper protection of agriculture or the full efficiency of agricultural operations; and an analysis of each district should be made in special regard to this question.

7. The next question is that of the management of areas brought under treatment in each class. The general principle which Management of the various classes. applies to all of them is that they should be permanently maintained in such manner as to provide a maximum benefit to the adjacent population at a minimum cost to the State. Their management must therefore be conducted on mercantile principles, so far as these are consistent with full regard to proved and acknowledged rights. With this proviso, the produce of the areas taken under management should be disposed of at market rates to be fixed from time to time with due consideration of the local demand and supply, and any other circumstances affecting the value of the produce.

8. By *pastures* are meant grazing lands from which cattle, including sheep and goats, are not to be otherwise than temporarily excluded Definition of pasture lands. but which are to be brought under a definite system of management. What that system should be is a question which requires enquiry and perhaps experiment in each locality.

In some cases it may be found necessary to close lands selected as pastures against grazing during part of the year opening them only when the annually recurring scarcity of fodder begins; in others a longer period will be required for the

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recovery of the grass, while in certain tracts it may be found expedient to divide the pasture lands into blocks opened in rotation, in which the number of cattle admitted will be restricted in accordance with the supply of grass by the imposition of sufficiently high grazing fees or otherwise.

The methods to be adopted will, however, vary from district to district, and the Government of India are content at present with an expression of their desire that an investigation should be set on foot and continuously maintained, and that the responsible authorities should not, on the recurrence of a fodder famine in any district or tract, be exposed to a charge that the requirements of the locality, in connection with the maintenance of a fodder supply, had not been seriously investigated and considered in each case. It is hardly necessary to add that the system of management should be such as to exclude, as far as possible, all interference on the part of subordinate officers.

9. *Fodder Reserves* are lands in which, while the yield of grass is improved the growth of fodder other than grass, *e.g.*, bushes and trees edible by cattle—is promoted and which must, for the attainment of this object, be except in years of great drought, absolutely closed against grazing, the fodder being cut and collected. Their future treatment requires observation and study.

The advantages of such reserves are that, under proper treatment the average supply of fodder whether in form of plants, trees or grasses, is larger than under the system of open grazing; that a judicious system of supplying leaves and lopped branches to cattle will maintain a continually increasing supply of fodder without injuring the bushes or trees; that the grass will, in the form of hay or cut fodder, produce annually more food than if grazed during the period of growth; that in years of extremity when cattle are admitted to the reserves, fodder, bushes and trees, being able to stand long continual drought, offered a supply of food upon which the cattle can fall back when grasses and more shallow rooted plants are burnt up by the heat, and finally that the grasses themselves will be cut and stacked so as to form a store of food when the growing vegetation in the open grounds has been exhausted.

10. By *Forests proper* are meant lands which have been set apart primarily either for the production of timber, fuel and the other products of tree growth, or for the protection of hill sides, but forests may also be constituted and maintained for other cognate purposes connected with the public welfare. In many cases their importance is felt beyond their immediate neighbourhood, within such limits as it is possible to transport timber or other trade produce from them with profit; but they may also serve to supply the surrounding agricultural population with fuel, small building and other wood, grass, and minor produce, and in some cases with grazing land. It is important that, consistently with a rational treatment, under which they fulfil the primary object for which they are set apart, forests should be made to supply the needs of the adjacent residents to the utmost extent.

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11. The enquiries and investigations called for under this Resolution form part of the agricultural analysis which, in the 9th and 10th paragraphs of Resolution No. 6—340-50-G., dated 8th December 1881, Agricultural Department, were required to institute. It was there laid down that Agricultural Departments should, district by district, ascertain the causes which, especially in years of drought, had tended to interfere with "agricultural efficiency", and that, when those causes had been ascertained remedies should be suggested and where possible, provided. The instructions contained in the paragraphs above-quoted have not, in some Provinces, been sufficiently understood or carried into effect, and the Government of India take this opportunity of requesting that a serious commencement may now be made by Agricultural Departments in setting on foot, in each district, in communication with Revenue and Forest Officials, the agricultural analysis contemplated in the Resolution of 1881 so far as it includes the provision of an adequate grazing and fodder supply.

12. The question of increasing the area of wood land, in connection with the general improvement of agriculture and the increase of the manure supply, is one which it will be necessary to bring under further discussion on receipt of the final report from Doctor Völcker, the Consulting Chemist to the Royal Agricultural Society of England. In the meantime attention is directed to the remarks on the subject contained in Doctor Völcker's Preliminary Report, which was distributed with Circular No. 2—26—4A, dated 30th January 1891.

13. It is in the opinion of the Government of India advisable for convenience of administration that all lands set apart for special treatment as pastures, fodder reserves or forest proper should, so far as the law permits, be placed under the forest law as "Reserved Forests," but it should be understood that it is not necessary that because an area is constituted reserved forest, it must be managed for the purpose of producing trees or placed under the control of the officers of the Forest Department. The method of treatment of such lands and the arrangements of their control must be regulated entirely by the local authorities, with whom remains the power to determine the agency and system of management.*

484. The forest policy of the Government of India has assumed a fresh development of considerable importance.

Tripartite classification of Forests.

The necessity of dividing off areas into classes, and of according a different method of treatment to each class, is recognized. The division contemplated is:—

- (a) Pastures or grazing lands, from which cattle, including sheep and goats, are not to be otherwise than temporarily excluded, and in regard to which the system of management is to be such as will exclude, as far as possible, all interference on the part of subordinate officers.

* G. I. R. & A., No. 17-105, dated 15th July 1891; vide Government Resolution No. 6840, dated 5th October 1891.

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(b) Fodder Reserves which, except in years of great drought, are to be absolutely closed against grazing, the fodder produced being cut and collected.

Fuel and Fodder services.

(c) Forest proper, *i.e.*, land set apart primarily for the production of timber and fuel and the other products of tree growth, but which may also serve to supply the surrounding agricultural population with fuel, small building and other wood, grass and minor produce, and in some cases with grazing lands. Attention is drawn to the importance of making forests proper supply the needs of adjacent residents to the utmost extent possible, consistent with a rational treatment, under which they will fulfil the primary object for which they were set apart and in paragraph 13, words of caution are added that "it should be understood that it is not necessary that because an area is constituted a reserved forest it must be managed for the purpose of producing trees, or be placed under the control of the Officers of the Forest Department."

Forest proper.

In calling thus particularly the attention of the Revenue and Forest Officers to the above orders, the Governor in Council is pleased to direct that they should make for each district the analysis mentioned in paragraph 6 of the Government of India Resolution, No. 17—105, dated 15th July 1891, [read last section] and they should divide the areas included in reserved forests into the three classes contemplated. The best way to do this is that they should, in consultation, first select and set apart lands for treatment as *forest proper*, as described in paragraph 10 of the Resolution. They should then proceed to divide the rest between "Pastures" and "Fodder Reserves." The Governor in Council regards this as a very important piece of work, and one which demands the most careful attention of all District Officers. If the division and classification of forest areas are wisely carried out and if pastures are managed mainly and primarily for the support and therefore the production of stock, and not with the main object of producing revenue from grazing fees, Government believe that much of the unpopularity that now rests on forest arrangements will be removed. The beneficial effect of these orders will be nullified, if areas which could only produce a saleable growth of underwood by protracted closure, but which are really required for grazing purposes, are included in *forest proper*. Each class of forest land should be specially treated for the purpose it is intended to serve, and a minimum of interference by subordinate officers with the areas set apart for pastures or grazing lands and with the people using them should be enforced.

Orders for the introduction of the tripartite classification of Forests.

As regards the question of management of pastures and fodder reserves raised in this Resolution, the Governor in Council desires that the views set forth in paragraph 9 of Government of India Resolution No. 16-A., dated 1st March 1883 [read section 326 (g), Standing Orders, Forests], should be fully adopted in this Presidency. The position of the Conservators should be that set forth therein. They should be consultative officers who would give their advice and opinions on questions of professional and technical character referred to them by the Collectors and Com-

Management of pasture area.

1. General Policy and Classification of Forests.

missioners, but they should not attempt to direct or control District Officers of the Revenue or Forest Departments in the performance of their duties of management. In that matter there should be no division of responsibility, and the system of management should be that described in paragraph 9 of the Government of India Resolution No. 16, dated 1st March 1883.*

485. Copies of the following Resolution of the Government of India, No. 22-F., dated 19th October 1894, containing the latest pronouncement of that Government on the subject of forest classification and administration were forwarded to all Commissioners, Collectors, and Conservators of Forests for information and guidance :—

Latest pronouncement of the policy of the Government of India on Forest classification and administration.

"In Chapter VIII of his Report on the Improvement of Indian Agriculture, Doctor Völcker dwells at length upon the importance of so directing the policy of the Forest Department that it shall serve agricultural interests more directly than at present; and in his review of Forest Administration for 1892-93, the Inspector-General of Forests discusses in some detail the principles which should underlie the management of State Forests in British India. While agreeing generally with the principles thus enunciated by the Inspector-General of Forests, the Government of India think that it will be convenient to state here the general policy which they desire should be followed in this matter, more especially as they are of opinion that an imperfect apprehension of that policy has, in some recent instances, been manifested.

"2. The sole object with which State Forests are administered is the public benefit. In some cases the public to be benefited are the whole body of tax-payers; in others, the people of the tract within which the forest is situated; but in almost all cases the constitution and preservation of a forest involve, in greater or less degree, the regulation of rights and the restriction of privileges of user in the forest area which may have previously been enjoyed by the inhabitants of its immediate neighbourhood. This regulation and restriction are justified only when the advantage to be gained by the public is great; and the cardinal principle to be observed is that the rights and privileges of individuals must be limited, otherwise than for their own benefit, only in such degree as is absolutely necessary to secure that advantage.

Object of Forest Administration.

Classification of Forests.

"3. The Forests of India, being State property, may be broadly classed under the following headings:

(a) Forests the preservation of which is essential on climatic or physical grounds.

(b) Forests which afford a supply of valuable timber for commercial purposes.

(c) Minor forests.

(d) Pasture lands.

* Government Resolution No. 6840, dated 5th October 1891.

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It is not intended that any attempt should be made to class existing State Forests under one or other of these four heads. Some forests may occupy intermediate positions, and parts of one and the same forest may fall under different heads. The classification is useful only as affording a basis for the indication of the broad policy which should govern the treatment of each class respectively ; and in applying the general policy, the fullest consideration must be given to local circumstances.

“ 4. The first class of forests are generally situated on hill slopes, where the preservation of such vegetation as exists, or the encouragement of further growth, is essential to the protection from the devastating action of hill torrents of the cultivated plains that lie below them. Here the interests to be protected are important beyond all comparison with the interests which it may be necessary to restrict ; and so long as there is a reasonable hope of the restriction being effectual, the lesser interests must not be allowed to stand in the way.

“ 5. The second class of State Forests include the great tracts from which our supply of the more valuable timbers—teak, sal, deodar, and the like—is obtained. They are for the most part (though not always) essentially forest tracts and encumbered by very limited rights of user ; and when this is the case, they should be managed mainly on commercial lines as valuable properties of, and sources of revenue to, the State. Even in these cases, however, customs of user will for the most part have sprung up on the margins of the forest ; this user is often essential to the prosperity of the people who have enjoyed it ; and the fact that its extent is limited in comparison with the area under forest renders it the more easy to continue it in full. The needs of communities dwelling on the margins of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure, and for fodder, thorns for fencing, grass and grazing for their cattle, and edible forest products for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs, if not free (as may be possible where a system of regular cuttings has been established), then at low and not at competitive rates. It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction.

“ There is reason to believe that the area which is suitable to the growth of valuable timber has been over-estimated and that some of the tracts which have been reserved for this purpose might have been managed with greater profit both to the public and to the State, if the efforts of the Forest Department had been directed to supplying the large demand of the agricultural and general population for small timber rather than the limited demand of merchants for large timber. Even in tracts of which the conditions are suited to the growth of large timber, it should be carefully considered in each case, whether it would not be better both in the interests of the people and of the revenue, to work them with the object of supplying the requirements of the general and in particular of the agricultural population.

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"6. It should also be remembered that, subject to certain conditions to be referred to presently, the claims of cultivation are stronger than the claims of forest preservation. The pressure of the population upon the soil is one of the greatest difficulties that India has to face, and that application of the soil must generally be preferred which will support the largest numbers in proportion to the area.

"Accordingly, wherever an effective demand for cultural land exists, and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation; and if this principle applies to the valuable class of forests under consideration, it applies *a fortiori* to the less valuable classes which are presently to be discussed. When cultivation has been established, it will generally be advisable to disforest the newly settled area. But it should be distinctly understood that there is nothing in the Forest Act, or in any rules or orders now in force which limits the discretion of Local Governments without previous reference to Government of India (though, of course, always subject to the control of that Government) in diverting forest land to agricultural purposes, even though that land may have been declared reserved forests under the Act.

"7. Mention has been made of certain conditions to which the application of the principle laid down in the preceding paragraph should be subjected. They have for their object the utilization of the forest area to the greatest good of the community. In the first place, the honey-combing of a valuable forest by patches of cultivation should not be allowed; as the only object it can serve is to substitute

somewhat better land in patches for sufficiently good land in large blocks, while it renders the proper preservation of the remaining forest area almost impossible. The evil here is greater than the good. In the second place, the cultivation must be permanent. Where the physical conditions are such that the removal of the protection afforded by forest growth must result, after a longer or shorter period, in the sterilization or destruction of the soil, the case falls under the principle discussed in paragraph 4 of this Resolution. So, again, a system of shifting cultivation, which demands a large area of forest growth in order to place a small area under crops, costs more to the community than it is worth and can only be permitted, under due regulation where forest tribes depend on it for their sustenance. In the third place, the cultivation, in question, must not be merely nominal and an excuse for the creation of pastoral or semi-pastoral villages, which do more harm to the forest than the good they reap from it. And in the fourth place, cultivation must not be allowed so to extend as to encroach upon the minimum area of forest which is needed in order to supply the general forest needs of the country, or the reasonable forest requirements present and prospective, of the neighbourhood in which it is situated. In many tracts cultivation is practically impossible without the assistance of forests, and it must not be allowed to destroy that upon which its existence depends.

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"8. It has been stated above that the forests under consideration are generally, but not always, free from customs of user. Policy to be followed in dealing with rights or privileges. When, as sometimes happens, they are so intermingled with permanent villages and cultivation that customary rights and privileges militate against their management as revenue-paying properties, the principles laid down at the end of paragraph 5 of this Resolution should be observed and considerations of income should be made secondary to the full satisfaction of local needs. Such restrictions as may be necessary for the preservation of the forest, or for the better enjoyment of its benefits, should be imposed; but no restriction should be placed upon reasonable local demands, merely in order to increase the State revenues.

"9. The third class of forests include those tracts which, though true forests, produce only the inferior sorts of timber or the smaller growths of the better sorts. In some cases the supply of fuel for manufactures, railways and like purposes, is of such importance that these forests fall more properly under the second class; and must be mainly managed as commercial undertakings. But the forests now to be considered are those which are useful chiefly as supplying fuel and fodder or grazing for local consumption; and these must be managed mainly in the interests of the population of the tract which supplies its forest requirements from this source. The first object to be aimed at is to preserve the wood and grass from destruction; for user must not be exercised so as to annihilate its object, and the people must be protected against their own improvidence. The second object should be to supply the produce of the forests to the greatest advantage and convenience of the people. To these two objects all considerations of revenue should ordinarily be subordinated.

"10. It must not be supposed from the preceding remarks that it is the intention of the Government of India to forego all revenue from the large areas that are valuable chiefly for the fuel and fodder which they yield. Cases must be distinguished: Treatment of grazing and grazing rates to be levied. Where the areas in question afford the only grazing and the only supply of fuel to villages which lie round or within them, the necessity of the inhabitants must be treated as paramount, and they should be satisfied at the most moderate rates, and with as little direct official interference as possible. But where the villages of the tract have already ample pasture grounds attached to their cultivation and owned and managed by themselves, and where the crown lands merely supplement these pastures; and afford grazing to a nomad pastoral population, or to herds that shift from one portion of the country to another with the changes of the season, Government may justly expect to reap a fair income from its property. Even in such cases, however, the convenience and advantage of the graziers should be studiously considered, and the inhabitants of the locality, or those who habitually graze over it, should have a preferential claim at rates materially lower than might be obtained in the open market. It will often be advantageous to fix the grazing demand upon a village or a nomad community for a year or a term of years. The system, like every other, has difficulties that are peculiar to it; but it reduces the interference of petty officials to the lowest point, and minimizes their opportunities for extortion and oppression. Where grazing fees are levied *per capita* free passes are often

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given to a certain number of cattle. In such cases, the cattle which are to graze free should include, not only the oxen which are actually employed on the plough, but also a reasonable number of milch cattle and calves. A cow or a buffalo is as much a necessity to a cultivator using the word necessity in a reasonable wide sense, as is a plough-bullock; and in many parts the oxen are bred in the village.

“11. In the portions of his Report which are referred to in the preamble of this Resolution, Doctor Völcker strongly recommends the formation of fuel and fodder reserves and the Government of India has repeatedly urged the same policy upon Local Governments. The question whether any particular area can be made to support a greater number of cattle by preserving the grass and cutting it for fodder, or by permitting grazing upon it, is one that must be decided by the local circumstances of each case. But when it has been decided, the issues are by no means exhausted. It has been stated in paragraph 9 above that one main object towards which the management of these minor forests should be directed is, supply of fuel and fodder, ‘to the greatest advantage and convenience of the people’. In doing so, due regard must be had to their habits and wishes. It may be that strict preservation and periodical closures, or the total prohibition of grazing, will result in the largest yield both of fuel and fodder in the form of hay. But that is of small avail if the people will not utilize the increased supply in the form in which it is offered them. The customs of generations alter slowly in India; and though much may and should be done to lead the people to their own profit, yet it must be done gently and gradually, always remembering that their contentment is no less important an object than is their material advantage. It must be remembered, moreover, that the object of excluding grazing from the reserves in question, is the advantage of the *neighbourhood*; and that the realization of a larger income than grazing would yield, by preserving the produce, only to sell it to the highest bidder for consumption in large towns at a distance from the reserve, is *not* always in accordance with the policy which the Government of India has inculcated. Here again circumstances must decide. It may be that the local supply of fuel or fodder, independently of the reserved area is sufficient in ordinary years for the needs of the neighbourhood. In such a case the produce may legitimately be disposed of in such years to the greatest advantage, reserving it for local consumption only when the external supply runs short. Finally, the remarks regarding agency in paragraph 12, and the more general considerations that are discussed below in paragraph 13 of this Resolution, apply in full force to areas thus preserved for the supply of fuel and fodder.

“12. The fourth class of forests referred to are pastures and grazing grounds proper, which are usually forests only in name. It is often convenient, indeed, to declare them forests under the Act, in order to obtain a statutory settlement of the rights which the State on the one hand and private individuals or communities on the other, possess over them. But it by no means follows, as a matter of course, that these lands should be subjected to any strict system of conservation, or that they should be placed under the management of the Forest Department. The question of agency is purely one of economy and expediency; and the Government

Fourth class of forest as given in para. 3.

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of India believe that in some cases where these lands are managed by the Forest Department, the expenditure on establishment exceeds the revenue that is, or at any rate the revenue that ought to be, realized from them.

"The following remarks apply, not only to forest lands under the Act, whether administered by the Forest Department or not, but also to Crown waste lands. all Crown waste, even though not declared to be forest. Here the interests of the local community reach their maximum, while those of the general public are of the slightest nature. It follows that the principles which have been already laid down for the management of minor forest apply, if possible, with even greater force to the management of grazing areas pure and simple.

"13. The difficulties which arise in connection with these areas are apt to present themselves in their most aggravated form where the tenure of the land is rayatwari. In zemindári tracts the Crown lands generally assume the second of the two forms indicated in paragraph 10 of this Resolution. But where the settlement is rayatwari, every survey number or field that is unoccupied or unassigned is in the possession and at the disposal of Government, and trespass upon it is *prima facie* forbidden. In some cultivated tracts these unoccupied and waste lands are the only source available from which the grazing requirements of the resident population can be met. The Government of India are clearly of opinion that the intermixture of plots of Government land which are used for grazing only, but upon which trespass is forbidden, with the cultivation of occupancy or proprietary holders is apt to lead to extreme abuses, and especially so when these plots are under the management of the Forest Department. The inferior subordinates of the Forest Department are perhaps as reliable as can be expected on the pay which we can afford to give; but their morality is no higher than that of the uneducated classes from which they are drawn; while the enormous areas over which they are scattered, and the small number of the controlling staff render effective supervision most difficult. It is not right, in order to protect the grass or the grazing dues on plots of waste scattered over the face of a cultivated district, to put it into the power of an underling to pound or threaten to pound cattle on the plea that they have overstepped the boundary between their owner's field and the next. Still less right is it to permit the exercise of the power to compounding offences allowed by section 67 of the Forest Act to depend upon the mere report of a subordinate servant, or to expose him to the temptations which such a power holds out. Where the interests involved are sufficiently important, it may perhaps be necessary to accept the danger of extortion while minimizing as far as possible the opportunities for it. But in the case under consideration the interests involved are trifling while the opportunities are unlimited.

"14. It is to be distinctly understood that the Government of India do not desire that the grazing should be looked upon primarily as a source of income. But it by no means follows that all revenues from scattered Government lands should be relinquished. It is, indeed, inadvisable that this should be done, as to do so would give the rayats an interest in

Grazing should not be primarily a source of revenue. Treating with waste lands in regard to grazing.

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opposing allotment and making things unpleasant for new occupants. But the objections to direct management which have just been pointed out are reduced to a minimum or altogether avoided, when the management is placed in hands of the resident cultivators or of representatives from among them. It will generally be possible to lease or otherwise manage the unoccupied lands of a village through the agency of the community; not, indeed, at the highest price which they are ready to pay to escape such evils as have just been alluded to, but at a moderate estimate of their value to them, fixed in view of the fact that herds and flocks, which cannot exist without grazing, are often a necessary condition of the successful conduct of that cultivation upon which the Government land-revenue is paid. In no case should fields that have been relinquished be let to outsiders at a reduced assessment for grazing purposes, for then we might have speculators taking up such fields mainly in order to make what they can out of trespassing cattle.

" 15. One more point of principle remains to be noticed. The procedure under Chapter IV of the Indian Forest Act, whereby forests are declared to be protected, has been in certain cases regarded by the Government of India as a provisional and intermediate procedure, designed to afford time for consideration and decision, with the object of ultimately constituting so much of the area as it is intended to retain a reserved forest under Chapter II and of relinquishing the remainder altogether. The Act provides two distinct procedures. By the more strict one, under Chapter II, existing rights may be either settled, transferred or commuted; and this procedure will ordinarily be applied to forests of the first and second classes indicated in paragraph 3 of this Resolution. By the second procedure, under Chapter IV, rights are recorded and regulated; and this procedure will often be properly followed where the rights to which the area is subject are extensive, and the forest is to be managed mainly in the interests of the local community. It will ordinarily be applied to forests of the third and fourth classes. This second procedure may, indeed, be provisional and introductory to reservation under Chapter II; but there is in the Forest Act nothing repugnant to giving it a larger and even a permanent operation. As regards Government, the chief difference between the two procedures is that new rights may spring up in a protected but not in a reserved forest, and that the record-of-rights framed under Chapter II is conclusive, while that framed under Chapter IV only carries a presumption of truth. It is believed that this presumption offers ample security where the object of regulating the rights is to provide for their more beneficial exercise rather than to over-ride them in the public interests. As regards the people, the chief difference is that, speaking broadly, in a reserved forest everything is an offence that is not permitted, while in a protected forest nothing is an offence that is not prohibited. In theory it is possible so to frame the permission and the prohibition as to make the results identical in the two cases; but in practice it is almost impossible to do so. If it were not so, the distinction drawn by the legislature would be unnecessary and meaningless. It is only where the public interest involved are of sufficient importance to justify the stricter procedure and the more comprehensive definition of forest offences that the latter should be adopted. The Governor General in Council desires, therefore, that with regard

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Classification of fuel and fodder reserves and pasture lands.

both to fuel and fodder reserves and to grazing areas pure and simple, and especially to such of them as lie in the midst of cultivated tracts, it may be considered in each case whether it is necessary to class them, or if already so classed, to retain them as forest areas; and if this question is decided in the affirmative, whether it would not be better to constitute them protected rather than reserved forests.

"16. Such are the general principles which the Government of India desire should be observed in the administration of all State Forests in British India. They are fully aware that the

General summary. detailed application of these principles must depend upon an infinite variety of circumstances which will have to be duly weighed in each case by the local authorities, to whose discretion the decision must be left. One of the dangers which it is most difficult to guard against, is the fraudulent abuse of concessions for commercial purposes; and only local considerations can indicate how this can best be met. The Government of India recognize the fact that the easier treatment in the matter of forest produce which His Excellency in Council desires should be extended to the agricultural classes may, especially in the case of true forest areas, necessitate more careful supervision in order that the concession may be confined within its legitimate limits. But on the other hand, they think that in some Provinces it will render possible a considerable reduction of existing establishment, and they desire that this matter may be carefully considered with reference to what has been said above in paragraph 12. They know also that in some Provinces forest policy is already framed on the lines which they wish to see followed in all. But the Governor General in Council believes that Local Governments will be glad to receive the assurance now given them that the Supreme Government will cordially support them in recognizing and providing for local requirements to the utmost point that is consistent with Imperial interests. Where working plans or plans of operation are framed for forests, the provisions necessary for this purpose should be embodied in them. The exercise of the rights that have been recorded at settlement will necessarily be provided for in these plans. Where further concessions are made by way of privilege and grace, it will be well to grant them for some such limited period as ten years or that they may if necessary be revised from time to time as the circumstances, on which they are moulded, change." *

Remarks of the Government of Bombay on the Government of India's Resolution given in the last section (No. 464). The principles laid down in paragraph 6 of the Resolution of the Government of India, No. 22-F, dated 19th October, 1894, that subject to certain conditions "the claims of cultivation are stronger than the claims of forest preservation," and that "wherever an effective demand for culturable land exists and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation" must be acted upon

* G. I. No. 22-F, dated 19th October 1894; *vide* Government Resolution No. 9605, dated 23rd November 1894.

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to the fullest extent. Land fit for cultivation is almost always more profitable to the State and more useful to the community when under cultivation than when under forest, and the demand for it should be met, unless it is so situated that its occupation would be prejudicial to the conservancy of valuable forests, or that the soil when loosened would be liable to be washed away by rain, or some other special reason makes it expedient to retain it within the forest area. In many cases plots of cultivable land within the demarcation line could be with great advantage given out for occupation on condition of the holders watching the surrounding forests, and the Governor in Council will be glad to have this method of securing resident guards tried as far as possible. Until a demand arises for any of the land in question, there is some advantage and no disadvantage in its being subject to the provisions of the Forest Act. When the demand does arise, disforestation involves no difficulties, but the need of applying for it ensures separate and consequently more careful consideration being given to the several cases.

2. All forests proper, whether they yield timber or firewood or consist merely of scrub jungle protecting the slopes of hills, must of course remain under the management of the Forest Department. That Department should also have charge of all fuel reserves or mixed fuel or fodder reserves, except such as are so far removed from the forests proper that the superior officers could not exercise effectual supervision without prejudice to more important duties. There are, however, few works of greater utility than the production of firewood and small timber within localities in which they are in great demand. The production of grass does not require the services of a scientific department, and pure fodder reserves should be in the charge of the Revenue Department. It must be remembered that the produce of all these reserves must be devoted primarily to the supply of local wants at reasonable rates, and only the surplus, after these wants are fully met, may be exported. As regards the areas classed as pasture, the Governor in Council sees no reason to depart from the view which is indicated in Government Resolution No. 6702, dated 15th September 1893 [for this Resolution read next section], which is favoured by the Government of India in paragraph 12 of their Resolution No. 22-F., dated 19th October 1894 [read last section], and which has already been carried out in several districts, and he is indeed fully convinced that the transfer of these areas to the management of the Revenue Department is the only effectual method of remedying an evil too long continued.

3. Opportunity will be given to the Forest Department to convert into either forest proper or fuel reserves any parts of the pasture area which are suitable for the purpose, provided there remains a sufficient area open for pasture. The Collector's assent will, however, be necessary to all such undertakings, and it will be given only if he is satisfied that the condition above provided for is fulfilled and also that the Department has the means of making the closure effective. The area must be fenced wherever it is exposed to trespass and resident guards must be provided. There must be resident guards to watch the fencing, and they can be simultaneously employed in planting and sowing and other operations for the afforestation of the plots, or in cutting and stacking the grass: Government will be prepared, on being

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satisfied that the measures for closing any such area are efficient, to authorize the levy of pound fees on the maximum scale for trespass in it, and do not doubt that Magistrates will inflict exemplary punishments when they see that they are dealing with deliberate violations of a reasonable law reasonably applied. It may be hoped that by successful operations under such conditions the population generally will learn to appreciate the benefits of forest conservancy.*

487. 1. *Forest proper* should be limited to areas which it is desirable to keep under scientific departmental management with a view *primarily* to the preservation or creation of timber or fuel growth. Outlying tracts which are not wanted for scientific development should not be included in forest proper merely because they contain a certain quantity of bush or tree growth which can be protected sufficiently for local needs by occasional closure and such simple measures of conservancy as are within the competence of the Land Revenue Department. Nor on the other hand is it necessary that patches in the middle of tracts generally suitable to be classed as forest proper should be thrown out because they happen to be comparatively bare. In the same way, promising plantations occurring in the midst of tracts generally classable as pasture may be left to be put under suitable management by the Collector without classifying them especially.

2. In treeless districts the enormous importance of erecting a growth of trees and bushes for climatic reasons, to check denudation of the hill-sides by scour, to supply vegetable mould and soil and to meet local demands for building material, firewood, etc., must be fully borne in mind. His Excellency the Governor in Council is at the same time of opinion that if real and rapid progress towards the attainment of this object is to be made without an altogether disproportionate amount of friction and hardship, it must be by concentrating effort to begin with on a suitable number of comparatively small plots selected where the conditions are least unfavourable, and where careful artificial treatment can be applied with some chance of a tolerably quick response. These plots would serve of object lessons to the people and as centres of gradual development. To attempt to deal with tracts so large that the treatment is practically limited to keeping out cattle, more or less completely, and trusting to nature to do the rest, is costly to Government, irritating to the people and, where the denudation has passed a certain limit, so slow in producing results as to be practically ineffectual. If this principle is followed, it is probable that a very large proportion of the land now supposed to be under reboisement in the Deccan districts may be classed for the present as pasture, and the forest establishment employed on it set free to deal effectually with a more manageable task.

3. The class of *fodder and fuel reserves* will be practically limited to existing kurans and plantations with possibly a few additions in places where they are wanted and the conditions are suitable. No land which does not produce grass of good quality of a head

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suitable for cutting should be reserved. Usually, of course, the quality of the grass will be estimated with reference to its suitability for *fodder*, the coarse description which cattle will not eat being excluded. But where there is a special growth of any particular variety of grass or rush, valuable like munj grass in Sind, for other purposes, such as thatching, basket work, matting, or tatties, which seems likely to disappear if not protected, it may be desirable to establish a reserve.

Pasture.

4. *Pasture* should include all reserved land not taken under one of the other two heads.

NOTE.—Since this Resolution was issued the classification of the Deccan forests into Forest proper, Fuel and Fodder reserves and Pasture lands, has been completed on these lines.

Management of fuel,
fodder and pasture areas.

5. As regards management, the chief points for consideration should be—

(a) What measures for the preservation and improvement of the grazing in pasture are desirable and practicable, *i. e.*, what is to be the system of management in a technical sense.

(b) By what agency can they be carried out, *i. e.*, what is to be the system of executive control.

6. As to the first point Government consider that a *general* annual closure, however short, is to be deprecated, though it may possibly be found indispensable in particular localities. A division of the land into blocks, to be entirely closed in such period of rotation as may afford the closed block the longest practicable interval for recovery, seems to be the best principle, provided that the blocks are sub-divided and situated so that every village shall always, as far as possible, have an open block within easy reach. Rotation of closure may not, however, be equally practicable or necessary everywhere, and it may be advisable to supplement it by, or where it is not practicable, to substitute for it, precautions against over-grazing by restriction of the numbers of cattle admitted such as are contemplated in the grazing rules, or in such other shape as local conditions may suggest as most suitable. In the opinion of His Excellency the Governor in Council it would be a good thing if it could be arranged to limit the recovery of fees for grazing as much as possible to areas where the grazing is worth paying for, leaving the rest free, instead of fixing them on the cattle, irrespective of where they go and what they get, and to substitute voluntary arrangements with the villagers where possible, for restrictive rules.

7. As to the second point, it seems possible that much of the work of collecting grazing fees might be done with less friction by the Kulkarnis and Pátils than through forest subordinates, and it has been suggested that the services of Mhárs, Jagliás, Bumias, Puggis, and other inferior village servants might be enlisted in the cause of checking cattle trespasses by giving them a percentage on the pound fees, so that the forest staff might be spared for other more legitimate duties, except for the month or two when the fees are being collected. The suggestion seems worth considering. Care should, however, be taken that the interest given

System of collecting
grazing fees.

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to these Mhárs and village servants is not such as might lead to their abetting or encouraging trespass in order to make something out of the pound fees. Much of the impounding is alleged, as it is, to be due to the wilful neglect of the Pátils and Kulkarnis to warn the people to take out passes and see that they are sent with the cattle into the forests for fear of reducing their own share of the pound proceeds. But this difficulty might possibly be got over by giving the Pátíl and Kulkarnis a small percentage on the grazing fees, and a small payment for the fee-passes where the system of management adopted involves the issue of such documents. The possibility of reducing establishments by spending a little money on hedging or fencing the chief points of access to closed tracts, should also be borne in mind. One man, with a little hedging to assist him where it is most needed, could do more than half a dozen without, and the annoyance of constant impounding would be lessened.*

II. EMPLOYMENT OF WILD TRIBES.

488. With respect to Bhils and other ancient inhabitants of the forests, it cannot be too much impressed upon the Forest Officers that the forest regulations must be applied with judgment, and every occasion sought of winning over the forest tribes to the cause of conservancy, by not interfering with the rights that they have heretofore enjoyed, wherever such rights can be permitted to continue, and also by supplying them with regular occupation in the service of the department, so as in time to train them to settled habits.†

489. The proposals contained in the following extract paragraphs 3 to 5 of a letter No. 1410, dated 3rd May 1879, from the Collector of Thána, relative to the employment of wild tribes as Rakhwaldars in the demarcated forests of the Thána District and assignment to them of waste lands in the area situated outside the limits of the forests in the district, were approved by Government;—

“3. Under the scheme I would propose, a number of the wild tribes can be employed as forest Rakhwaldars to look after and preserve the demarcated jungles, receiving small rent-free holdings for service rendered. These holdings would be but small in area, and being given for service could not be alienated.

“4. Those not employed as Rakhwaldars should be allotted small holdings from the land to be excluded from the forest reserves in the list now under preparation. To these holdings; Bombay Act I of 1865 would not apply, and the holders should be charged a very low rate of rent, say from 2 to 4 annas per acre, but before being put in possession it should be clearly explained to them that any attempt to alienate, mortgage or otherwise dispose of their occupancy will involve its forfeiture:

* Government Resolution No. 6702, dated 15th September 1893.

† Secretary of State's No. 34 (Revenue), dated 25th June 1866; *vide* Government Resolution No. 2768, dated 1st August 1866.

II. Employment of Wild Tribes.

A *kabuláyat* to the effect might also be taken, for, from experience of their improvidence, I know that so long as they are allowed any transferable or saleable right in land they are sure to part with it on the first favourable opportunity to a *wily sávkár* or other *pándherpesha*.

"5. In the carrying out of this scheme the greatest care will be necessary to avoid inducing those of the wild tribes now tilling the land of or labouring for superior land-holders to desert their present occupation. Any such result would increase the number of these to be provided for and possibly cause culturable land to be thrown out of occupation."*

490. It is desirable, as a matter of policy, that employment of a suitable description should be provided for the Bhils and that occupation should especially be furnished to those who have earned their livelihood wholly or in part by wood-cutting. This occupation can best and without difficulty, be supplied by the Forest Department. The Bhils should, therefore, be employed by that Department as wood-cutters to fell and, if this course is practicable, to bring in the trees selected for the axe. It is the wish of Government that the Bhils should be employed to the fullest extent possible by the Forest Department, and that no opportunity should be lost of utilising Bhil labour and engaging them in the Forest operations which are most congenial to their tastes and mode of life and for which they are peculiarly qualified. Government must insist upon the grant by the Forest Department to the Bhils of employment to the largest practicable extent. It must be left to the Collector and the Conservator in consultation to decide how exactly this object is to be carried out, on what principle remuneration is to be given and how the work is to be allotted, and supervised, but the instructions of Government regarding the employment of Bhils must be complied with.†

491. The practice of the Forest Department in Sind of obtaining the services of gangs of villagers for putting up Persian wheels, mending bunds, making clearings for plantations, putting up or mending fences, etc., and giving the men a feed in lieu of wages, is not only economical, but tends to secure the good-will of the villagers; and its continuance is sanctioned.‡

492. The attention of Government has been drawn to the condition of the Kolis of the gháts by the Criminal proceedings of outlaws of Junnar Táluka. Some general measure, such as was proposed in 1879-1880, to give employment to Rámosis and Kolis by enlisting them in a local corps would perhaps be the best solution to the chronic difficulty of the Police in preserving order among the Kolis, but His Excellency the Governor in Council believes the reasons why these occasional outbreaks of lawlessness have always grown to some head before they are controlled, is to be found, next to heredity, in the poverty of the people. Unless they are

* Government Resolution No. 3525, dated 5th July 1879.

† Government Resolution No. 1140, dated 24th February 1881.

‡ Government Resolution No. 2157, dated 1st April 1882.

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induced to migrate, this poverty will increase owing to growth of population and forest conservancy restricting their cultivation and their means of getting wood to burn for manure or to sell. The attempt made in 1879 to get Kolis to migrate was in spite of every inducement offered, unsuccessful, and it is believed that they are not yet ready to adopt that remedy for their condition in any large number. As an immediate measure of relief the Governor in Council thinks that it would be well to spend a certain sum every year in the Akola, Junnar, Khed, and Mával Tálukas on road-making. By this means their country would be opened up, the value of their crops and of the Government forest would be gradually increased, and they would be enabled to earn a little money for themselves and their families. It is not the intention of Government to make the expensive class of road which employs mainly skilled labour in its construction, but rather an inferior class with a view to the employment of unskilled labour in construction and repairs for a few years to come. This may not be easy in the ghát country, but the end sought is to give work as much as to open communications. The District Local Boards should be called on to assist.*

493. Attention is directed to the following extract from the minute on the conservancy of the Dang Forests by His Excellency Sir Bhils in the Dangs, Richard Temple, dated July 7th, 1879:—

"Consideration should be had to the case of any Bhils who may be settled in the lands proposed to be taken up. Indeed it would be better not to propose lands where Bhils happen to be thus settled. But in fact it is understood that there are few, if any, Bhils thus settled, and that almost all, if not all, of them are migratory in their habits. If, however, there be any Bhil family settled within an area proposed to be reserved, then it cannot be moved without compensation in some form or other, or without some satisfactory arrangement being made. It may happen that individuals thus situated can be entertained as employés by the Forest Department, and so rendered content to live under its régime. At all events it must be understood that if any Bhil be found settled, he cannot be summarily removed against his will."

The inexpediency of the removal from their homes of any Bhil families who have *permanently settled* in any particular spot abandoning a nomadic life, should be carefully borne in mind. It is of more importance to encourage the Bhils in such a course than to constitute an ideally perfect reserve, and in general it should be understood by the officers concerned that in dealing with a wild people such as the Bhils, they cannot err in adopting a lenient policy.†

III. MISCELLANEOUS EXPRESSIONS OF GOVERNMENT POLICY.

494. It must always be remembered that in the majority of cases the pressure of the rules made for the preservation of all the forests and the protection of the revenue will fall with the greatest weight on some of the poorest and least civilized of the population of the Presidency, who have long been, as they

Care should be taken not to unduly harass the people when introducing reforms.

* Government Resolution No. 5616, dated 24th August 1887.

† Government Resolution No. 7906, dated 7th November 1890.

III. Miscellaneous Expressions of Government Policy.

now are, very dependent on the supplies they draw from the forest. It is the duty of the Government to take care that in carrying out reforms, which ought ultimately to benefit even these people themselves, the hardships of their lives are not unduly aggravated, and to retain in their own hands a degree of control sufficient for their protection. They must not be sacrificed to an undue desire to increase the powers of the Forest Officers or to enhance permanently the revenue of the department.*

495. The Governor General in Council has noticed with pleasure the gradual conversion of Protected Forests into Reserved Forests, not considered necessary to disforest. The constitution of protected forests was eminently useful at the outset of a separate forest administration, in order to provide at once for a limited protection of Government forest lands until a decision could be arrived at as to what areas should be maintained permanently as forests. But it now seems evident that there is no practical necessity for the creation of two classes of demarcated state forests, having regard to the complete and searching character of the enquiry and settlement made under the direction of the Bombay Government.†

Forests should primarily be for the welfare of the people.

496. Forest interests should be subordinated to the welfare of the agricultural population when there is any conflict between them.‡

Forest Department should endeavour to carry the people with them, in their policy.

497. It is both the duty and the best policy of the Forest Department to take the people with them in their measures, and so both to frame and to work their rules as to be as little burdensome as is consistent with effective conservancy to those whose privileges cannot but be thereby to some extent curtailed.§

498. The question of forest protection, always a troublesome one, presents special difficulties in the Bombay Presidency, owing to the nature of the forests and the manner in which they are interspersed with cultivation. On the one hand it is imperative that the forest property of the State should be efficiently protected, or the danger may arise that the areas reserved become forests in name only, and of no practical use to the country; while on the other hand, the population should not be treated with harshness. The position is rendered more difficult by the fact that some of the most pernicious forest offences are trivial if taken individually, but assume dangerous proportions if considered in the aggregate.||

499. The prosecution of petty offences against the Forest Act should be discouraged as leading to a great deal of petty oppression. His Excellency the Governor in Council would,

* Government Resolution No. 130, dated 6th January 1876.

† Government of India, Home Department, No. 462-F, dated 3rd June 1886; *vide* Government Resolution No. 4747, dated 3rd July 1886.

‡ Government Resolution No. 7796, dated 22nd December 1881.

§ Secretary of State's No. 15 (Revenue), dated 4th March 1880; *vide* Government Resolution No. 1848, dated 9th April 1880.

|| G. I., R. & A., No. 927-F, dated 28th August 1893; *vide* Government Resolution No. 7286, dated 6th October 1893.

III. Miscellaneous Expressions of Government Policy.

therefore, press on all Magisterial and Forest Officers, the necessity of using great caution and judgment in regard to such offences. For the benefit of the general public and the country at large, Government are bound to do all that lies in their power to recover the forests from deteriorated condition into which, by the uncontrolled action of villagers, they have fallen throughout the Presidency. In carrying out this policy efficiently, the villagers must be treated with a certain amount of firmness which appears to them harsh after the liberty they for so long enjoyed and abused, but Government trust that Commissioners, Collectors and Forest Officers do, as far as they can, and in future will try still further to, act in a discreet and judicious manner.*

500. Forest Conservancy will never be effective if the people, who live in or near the forests, are opposed to it; their co-operation may be enlisted by considerate treatment, while injudicious severity inevitably creates a spirit of antagonism. No Magistrate of ordinary intelligence would dismiss a case of wanton destruction of seedlings as trivial on the ground that the wood after being cut would fetch a small price, and the District Magistrate should take steps to prevent any such failure of justice. On the other hand, the Officers of the Forest Department should be enjoined to act with discrimination in bringing prosecutions. In the Southern Division, no prosecutions are instituted without the approval of the Divisional Forest Officer, and the effect of this rule is said to have been very salutary. A similar rule should be enforced in the Northern Circle.†

501. Perfect symmetry of forest outline and mathematical accuracy of boundary are theoretically desirable, and may be aimed at as far as is practicable, but to secure these objects it is not desirable to sacrifice any material area of forest, to exclude from reserve, plots of land of considerable size which have been included in them for years and are covered with trees and vegetation, and to take from cultivation any comparatively large quantity of land on which rice or garden crops are now grown. Save when the boundary line is very irregular, and valid reasons exist rendering its rectification expedient, the conversion of pieces of land now cultivated into reserved forest, and *vice versa* should not be carried out merely in order to obtain a perfectly symmetrical boundary; what are required are well defined limits, a tolerably regular boundary, and the concentration, as far as may be, of cultivation and forest respectively in considerable areas.‡

502. Generally land commanded by tanks and canals should not be included in the forest area. It would obviously be inexpedient to curtail the extent of land which can be irrigated for cultivation from water-works carried out by Government at great expense. The Forest Department has sufficient scope for its energies in afforesting the slopes of hills and land not suitable for cultivation, and it is from the

* Government Resolution, Judicial Department, No. 61, dated 6th January 1883.

† Government Resolutions No. 658, dated 25th January 1883, and No. 8810 dated 30th November 1883.

‡ Government Resolution No. 4565, dated 13th July 1882.

III. Miscellaneous Expressions of Government Policy.

afforesting of these lands, and not low-lying lands which are capable of being irrigated and of producing valuable crops, that an improvement of the climate may be expected.

This above ruling does not apply to Sind, it being intended to apply to the Deccan only. In Sind the question of granting for forest purposes land which can be irrigated from water-works carried out by Government at great expense, is not one which can be dealt with generally, and each application for such land must be decided on its merits.*

503. It is inexpedient to reserve for forest purposes small isolated numbers immediately adjacent to village sites. It is also, as a general rule, objectionable to maintain, as reserved forest, solitary small patches of land in the midst of cultivated ground; but in an arid, treeless taluka like Sholapur, it is of great importance to promote to the utmost possible extent the growth of timber and vegetation and where blocks of land of fair size are not obtainable, even small reserves will prove of benefit.†

Regarding minor forest produce.

504. The principle which should govern the action of the officers concerned in the matter of regulating the collection of articles of minor forest produce is that—

1. Exploitation should be limited—

(a) to articles for which a trade demand exists or for which there is a reasonable probability that such a demand may in time be created, and, in respect of such articles, to localities in which they are produced in sufficient abundance, and which are sufficiently accessible to be worth working;

(b) to articles, such as catechu, the collection or manufacture of which it is necessary in the interests of forest conservancy to keep under effective control.

2. Except in so far as they may be reserved for exploitation in each district from year to year in pursuance of that principle, the collection and sale of articles of minor forest produce, in open forests should be left free and unrestricted.

The application of this principle will naturally vary in different districts and in different seasons, and His Excellency the Governor in Council considers that it should be left to the revenue and Forest authorities of each district to consider and decide in concert each year, before the collecting season begins,

(a) what articles in what localities it will be proper to exploit, having regard to local conditions and past results;

(b) what arrangements should be made or what conditions imposed, either generally or specially, in order to prevent hardship and secure the greatest benefit to the people employed in collecting.

* Government Resolutions No. 1609, dated 21st February 1884, and No. 3909 dated 15th May 1884.

† Government Resolution No. 5189, dated 27th June 1884.

III. Miscellaneous Expressions of Government Policy.

It should be clearly understood that Government are not anxious to make a revenue from minor produce, and that the application of the principle should not be allowed to operate in restriction of any rights or privileges of collection for private use or sale that may have been, or may hereafter be, recognized under due authority. Any difference of opinion among the district officers should be referred for settlement to the Commissioner through the Conservator. The decision of the Commissioner should be regarded as final.

The arrangements agreed upon, the results of the year, and the progress made in the direction desired, that of creating or extending industries which improve the condition of the forest tribes, should be noticed fully in the District revenue and Forest Administration reports for the year and summarized and compared by the controlling officers for the information and orders of Government.*

505. The Resolution of the Finance Department, No. 4145, dated the 28th July 1888, prescribed the conditions under which one department of the public service may charge another department for services rendered or articles supplied to it; and under this Resolution the Forest Department is included in the category of *quasi-commercial* departments maintained for the purpose of rendering particular services on payment made for services rendered or for articles supplied. These *quasi-commercial* departments are to charge other departments of Government for services rendered or articles supplied in the same way as they would charge a member of the public, provided, however, that the services or supplies are such as it is the object of the existence of the department to render or to furnish.

Under the Forest Law of India, "forest produce" practically includes all natural products found in a forest, whether vegetable, animal, or mineral.

In 1889† it was decided that the revenue realised from quarries and minor mineral products in Government forests and lands which are under the management of the Forest Department, should be credited to "Forests"; but where such forests and lands are not under the management of that Department, to "Land Revenue (Miscellaneous)".

2. The question whether, under these rulings, the Forest Department is entitled to charge royalty to another department of Government upon minerals taken from the forest area, has more than once come before the Government of India; but, though it has usually been decided on these individual references, that the Forest Department was entitled to levy a royalty on all materials supplied to other departments, no definite general ruling on the subject has yet been laid down. The Government of India now consider it desirable to issue formal orders in the matter for general guidance, in order to secure uniformity of procedure and to prevent the possibility of misunderstanding. They consider that a distinction may properly be drawn between vegetable products which strictly appertain to a forest as such, and animal

* Government Resolution No. 9846, dated 15th December 1893.

III. Miscellaneous Expressions of Government Policy.

products which depend for their existence either directly or indirectly upon the presence of the forest, on the one hand, and mineral products, the existence of which is independent of the fact that the land is a forest, on the other. They consider, also, that it is undesirable to extend to contractors working for a Government department, any privileges which the department itself may enjoy when operating directly by its own establishment.

3. They direct therefore that the Forest Department shall charge other Government departments for all vegetable or animal products extracted from a forest area in the same manner in which it charges the public; and that it shall similarly charge contractors for all mineral products extracted by them, whether in behalf of a Government department or not. If a Government department extracts mineral products for sale, they also will be charged for. But the Forest Department will not charge other Government departments for mineral products extracted from a forest area by the direct agency of the department concerned, under its own supervision and without the intervention of contractors or middlemen, for its own use and not for disposal to the public or other departments. For such products the Forest Department will take no credit in the public (Treasury) accounts of Government. But for statistical purposes the value of these products should be shown in the returns furnished by the Forest Department, just as the value of timber and other forest produce removed by free grantees or right-holders is already shown.

4. The ruling that certain forest products shall not be charged for if directly extracted by other Government departments for their own use, in no way confers upon such departments any right of entry upon or of working in the areas under the charge of the Forest Department. That department retains its full powers of control; and, subject to the orders of superior authority, will continue to fix and limit the localities where such extraction may take place, and to impose any conditions which it may consider necessary for the safety of its forests and the convenience of its own work.

5. The above rulings will apply, *mutatis mutandis*, to every class of forest or waste land at the disposal of Government, independently of the agency by which such land may be administered.*

* Government Resolution No. 8824, dated 12th September 1906.

Page 320, Section 505.

Add the following clause at the end:—

No charge should be made for the extraction of minerals from forest or waste lands at the disposal of Government by Government departments for their own use, whether under their own supervision or by contractors working *bona fide* on behalf of such departments.†

Also no charge should be made for minerals taken for Local Board works executed through Public Works Department from Government forest and waste lands.‡

Add the following to the foot-note:—

† Government Resolution, R. D., No. 2382, dated 7th March 1912.

‡ Government Resolution, R. D., No. 5397, dated 10th June 1914.

APPENDIX.

FORMS IN USE IN THE FOREST DEPARTMENT,
BOMBAY.

I

Forms in use in Divisional Forest Offices.

1. Standard Forms of contracts, etc., sanctioned under Government Resolution No. 8617, dated 23rd October 1905, are supplied to all Divisional Forest Officers in Book Form.

The following are included with the Standard Contract Forms :—

- (a) Memorandum of Instructions.
- (b) Form of call for Tenders.
- (c) Form of Notice of Sales.
- (d) Conditions of sale.

2. List of Books kept in the Library of the _____ Division:

[Vide Government Resolution No. 5745, dated 17th August 1903.]

Serial No.	Short Title of the Book.	No. and date of communication with which, and name of authority from whom, received.	Date of receipt.	Received number of copies.	Remarks showing the reason and the authority for removal of Books from the list.
1	2	3	4	5	6

APPENDIX.

Camp

Date

(Signature.)

Forest Department, Bombay.

Return of Live-Stock.

Forest Division for the year

Work on which employed.	Cost of upkeep during the year.	Disposals, transfers, casualties, &c., during the year.		On hand 31st March.		Remarks.
		No.	Value.	No.	Value.	
8	9	10	11	12	13	14

Б 1780—42.

[Section 288, S. O. F.]

Forest Department, Bombay.

Form of License for Hunting and Shooting.

Appendix II.

[Vide Government Notification No. 5627, dated 18th August 1903.]

License to Hunt and Shoot.

1. Subject to the rules prescribed below, permission is hereby given to
 Mr. of for a period of twelve months from the
 _____ day of 191 to the
 _____ day of 191 to hunt or shoot within
 any of the marginally noted Reserved and Protected
 Forests of the Bombay Presidency (excluding Sind)
 in which hunting and shooting are prohibited except
 under a license.

2. This permission shall not entitle the holder to hunt or shoot more than
 two stags and bulls of the following species of animals, *viz.* :—

RULES.

[Here enter Rules 1 to 13, and Appendix I,

[Here enter station.]

Granted this the day of 191 .

Conservator of Forests,
 Circle.

* Appendix I relates to the period of closure for certain game, read section 288a, Standing Orders, Forests.

Forest Department, Bombay.

5. Landed Property Register.

[Vide Government Resolution No. 3000, dated 10th June 1903.]

District.	Name of Officer or Candidate for office.	Appointment held or sought.	Landed Property (including Buildings) in possession.							Remarks.
			Nature of property.	Approximate Value of the property.	Where situated.	How acquired.	When acquired.	Extent in Acres.	Assessment.	
1	2	3	4	5	6	7	8	9	10	11

NOTE.—Property held or managed by or on behalf of an officer's wife or other member of his family joint with or living with or in any way dependent on him is, for the purposes of the register, considered to be held or managed by the officer himself.

Camp

Date

191

(Signature.)

FORMS

331

Forest Department, Bombay.

6. Certificate of Change of Landed Property.

Form B.

No. _____

Dated _____ 191 .

I hereby declare that no change in the Landed Property (including Buildings) held by me has occurred in the official year ending 31st March 191 .

_____ Name.

_____ Designation of Government officer.

_____ District in which serving.

Form No. 73, Bengal Forest Code.

7. Return of Changes in the Subordinate _____ Establishment sanctioned by the Conservator of Forests, _____ Circle, during the month of _____ 191 .

Division.	Name of Subordinate.	Appointment or Change in Rank.	Pay.	Date from which to have effect.	Communicated to Divisional Officer in letter		Remarks.
					No.	Date.	
1	2	3	4	5	6	7	8
			Rs. a. p.				

Camp

Date

191

Conservator of Forests, _____ Circle.

ment, Bombay.

of Forests, _____ Circle, during the Month of _____ 191 .

[illegible]

No. _____ of 191 .-191 .

Forwarded to the Accountant General, Bombay.

Conservator of Forests, _____ Circle,

for the Month of _____ 19 .

Establishment :—G. R. No. _____ dated _____ 19 .

[illegible]

(Signature.)

[NOTE.—This is the first page of the preceding statement.]

Forest Department, Bombay.

Distribution Statement of the Subordinate Protective Establishment.

No. of 19 -19

Camp _____ District.

Dated _____ 19

Distribution Statement of the Subordinate Protective Establishment,
_____ Circle, for _____ 19, forwarded
to the _____, with the compliments
of the undersigned, together with Leave Return (Form No. 68, Bengal Forest
Code) and Return of Changes, etc. (Form No. 67, Bengal Forest Code).

Conservator of Forests,

_____ Circle.

Register showing the results of enquiries made as to the sufficiency of the security furnished by Forest Officers in the Division Circle.

[*Vide* Government Resolution No. 7407, dated 21st July 1908.]

[illegible]

Camp

Date _____

19

Divisional Forest Officer.

Forest Department, Bombay.

11. Sanad for the Planting of Trees.

[Vide Government Resolution, Revenue Department, No. 4118,
dated 10th June 1901.]

Whereas _____, resident of Mouze _____, Táluka _____ in
the District of _____, has applied to plant and
rear* _____ trees in Government land,

and whereas the aforesaid application has been duly sanctioned under the
authority of Government Resolution, Revenue Department, No. 4118, dated 14th
June 1901 :

Now this Sanad is hereby granted to the said
authorizing him his heirs and executors to plant and rear *
trees _____ in

the marginally noted Government land of the
village of _____, Táluka _____
in the District of _____, and to enjoy the
produce thereof without any question on the part
of Government and without paying to Government

any assessment or rent otherwise leviabie under the Land Revenue Code or any
other similar law in force from time to time on account of the land occupied by or
under the trees, subject to the below-mentioned conditions, namely :—

1. No right of ownership in or over the soil of the land in which the trees
are planted shall thereby be acquired.

2. The said land shall be kept open, and no fence or other obstruction
shall be placed thereon, other than a separate fence round each tree such as
may be necessary for its proper protection.

3. The wood of the trees shall be the property of Government.

4. The trees shall be given up without compensation if the land be
required by Government or the Local Board for any public purpose. They
shall not be cut for any other purpose.

5. No compensation shall be claimed or given for any damage done to the
trees by any excavation or work done connected with an adjoining tank.

6. Trees growing on land forming part of the village site may be lopped
by the orders of the Collector, if necessary, without giving any compensation.

This Sanad is executed on behalf of the Secretary of State in Council by
order of the Governor in Council of Bombay, by and under the hand and seal
of _____ Esquire, Assistant Collector of _____,
this _____ day of _____

II

Forms in use in the Range Forest Offices.

[*Vide* Government Resolution No. 8210, dated 23rd November 1903.]

APPENDIX.

(Signature.)

13. Record of Plantations and Nurseries made at Government expense in whole or part, Block No. _____, Compartment No. _____, Village _____, Survey No. _____, Range _____

[illegible]

Register of Fire-Tracing work in _____ Range.

[*Vide* Government Resolution No. 8210, dated 23rd November 1903.]

Name of Forest or Block.	Fire Block or Compartment.	Length of trace and area included as per scheme.		Date when preparation of trace was completed.	Date and No. of Order for burning trace.	Actual date of burning trace.	Total Expenditure to end of month.	Date of inspection by Range Forest Officer.	Remarks
		Miles.	Acres.						
1	2	3	4	5	6	7	8	9	10
							Rs.		

Date _____

.19

(Signature.)

APPENDIX

15.

Register of Royalty Trees in Malki Nos. of the _____ Range.

[*Vide* Government Resolution No. 8210, dated 23rd November 1903.]

Name of Village.	Name of occupant.	Survey No.	Number of Trees.			Value realized.	Date of Sale.	Right to after-growth how disposed of.
			Teak.	Sandal.	Blackwood.			
1	2	3	4	5	6	7	8	9
						Rs.		

Camp

Date _____

19

(Signature.)

FORMS.

APPENDIX.

N.B.—The register is kept up in connection with the Grazing Fee Register and at once shows whether the guards are doing their duty in villages where no fees have been paid or the fees paid are inadequate. It should be sent to the Divisional Forest Officer for inspection with the Grazing Fee Register. on the 10th of each month

Camp

19

(Signature.)

Forest Department, Bombay.

17. Register of Grazing Fees collected by Village Officers.

NOTE.

Grazing fees collected are remitted to Treasury by Village Officer with a challan ; copy of this challan duly initialled by Treasury Officer should be furnished to Range Forest Officer.

From these challans the Range Forest Officer at close of each month can enter total fees collected village by village.

This register is not required in the Range Office during the month and may be submitted in original to Divisional Forest Office on 10th of each month for inspection and immediate return.

20 Register of Issue and Return of Dead-stock Articles in the _____ Range.

[Vide Government Resolution No. 8210, dated 23rd November 1903.]

Issue.					Return.					Remarks.
Serial No. of Issue.	No. of Article.	Description of Article.	Date of Issue.	Signature or thumb mark of Recipient.	Serial No. of Issue.	No. of Article.	Description of Article.	Date of Return.	Signature of R. F. O.	When the return includes only part of the issue, in any case the balance outstanding will be recorded here in red ink. If subsequently returned, corresponding entry will be made.
1	2		4	5	6	7	8	9	10	11

355

[illegible]

22. Distribution List of Forest Subordinates in the _____ Range
for the year 19 . . .

No.	Beat or Round.	Name.	Pay.	Date of joining present post.
1	2	3	4	5
			Rs.	

23 Register of Leave granted to Forest Subordinates in the _____ Range.

[Vide Government Resolution No. 8210, dated 23rd November 1903.]

Name.	Rank.	Leave granted.			Extension granted.				Date of rejoining.	Remarks.
		Kind.	From	To	From	To	From	To		
1	2	3	4	5	6	7	8	9	10	11

Forest Department, Bombay.

24. Register of Deposits received on account of Forest Contracts in the _____ Range
during _____

[*Vide* Government Resolution No. 8210, dated 23rd November 1903.]

Serial No.	Cash-Book Credit Item No.	Date of entry in Cash-Book.	Name and Residence of Depositor.	Name of Forest and nature of Contract.	Amount of Deposit.	Remarks—giving number and date of Bill under which Deposit was refunded and amount of the fine, if any, recovered.
1	2	3	4	5	6	7
					Rs.	

Forest Department, 'Bombay.

Form No. 17, Bengal Forest Code.

Forest-produce and other Property seized and disposed of
during the month of _____ 191 .

Forest Department, Bombay,

26. Forest-produce and other Property seized

Form No. 17,

[Vide Government Resolution No. 6046,

Forest-produce or other property seized.		Locality where stored, or person to whom entrusted.	Property released.	Property made over to third parties.
Date.	Description.			
1	2	3	4	5
(1) 5th April	{ 5 carts 50 sál poles	{ Goalpara	.....	.....
(2) 10th "	10 teak scantlings	Removed to depôt	.....	.....
(3) 10th "	{ 100 maunds cutch 3 cutch pans	{ Ditto	3 cutch'pans.	.....
(4) 12th "	{ 100 logs Pyimma 3 boats	{ Kanygin revenue station	.....	.....
(5) 20th "	50 teak logs	Schewgyin	.....	50 teak logs
(6) 25th "	{ 50 teak squares 10 carts	{ Bawbin forest	.....	.....

* Necessary particulars of items in column 9 will be brought forward in

EXPLANATION

Entry No. 1.—Seized, on 5th April, 5 carts (private property) and 50 sál poles (Government pro-
over poles. Carts are brought on to stock account for sale and the poles on to Form No. 5.

Entry No. 2.—Seized, 10th April 10, teak scantlings (Government property), in respect of which

Entry No. 3.—100 maunds cutch and 3 pans seized on 10th April. - Pans released under Section 62.

Entry No. 4.—The first instalment of price has been paid on 100 logs Pyimma, to be brought out
ment. Court orders confiscation of property, which is brought on to stock returns.

Entry No. 5.—50 teak logs, without challan, received on 20th April. Case brought into Court.

Entry No. 6.—50 teak squares and 10 carts, in respect of which an offence is believed to have

Camp

Date

Circle.

[Sections 112A & 214, Bengal F. C.]

and disposed of during the Month of _____ 191*

Bengal Forest Code.

dated 9th August 1895.]

Property confiscated to Government by order of Court.	Property brought on to Form No. 5 or other Government stock returns.	Date or dates on which action was taken under column 4, 5, 6 or 7.	Not disposed of during the month.	Remarks.
6	7	8	9*	10
5 carts	5 carts ... ..	.....	.....	Court case, No. dated 8th April
.....	50 sál poles ... ..	.....	.....	.....
.....	10 teak scantlings ... ..	.....	.....	.....
.....	100 maunds cutch ... ..	.....	.....	Case No. dated
{ 100 logs Pyimma	100 logs Pyimma ... ..	.....	.....	Court case, No. dated
{ 3 boats	3 boats ... ..	.....	.....	Court case, No. dated
.....
.....	.....	.....	50. teak squares. 10 carts.	.....

the next month's form and shown in red ink in columns 1, 2 and 3.

OF ENTRIES.

perty). Court decides case on 8th April, confiscates the carts to Government, and Forest Officer takes

offence is suspected. Offender not known. Scantlings brought direct on to Form No. 5.

Cutch brought on to Form No. 5.

and covered by pass. Offender runs past revenue station at night to avoid payment of second instalment.

Property-marks prove logs belong to third person, to whom the Court gives the timber.

occurred, seized on 25th April. Case reported to Magistrate, but undisposed of at close of month.

Range Forest Officer.

III

**Forms used in the submission of Administration
Reports.**

Annual Form No. 51A,

Area of Protected

[illegible]

Date.

[Section 417, S. O. F.

under the management of the Forest Department during 19

[illegible]

Conservator of Forests, _____ Circle.

Circle.

[Section 403, S. O. F.

Bengal Forest Code.

incurred on, Forest Settlements, during 19

[illegible]

Conservator of Forests, _____ Circle,

Annual Form No. 53, Bengal Forest Code.

Record of Demarcation and Maintenance of Boundaries during 19

Division.	Length of boundaries artificially demarcated during the year.	Length of previously existing boundaries repaired.	Length of previously existing boundaries not repaired.	Total length of artificially marked boundaries at close of year.	Length of boundaries still to be demarcated at close of year.	Length of natural boundaries not requiring artificial marks.	Total length of boundaries at close of year.	Expenditure on demarcation during the year		Remarks
								On new work.	On repairs.	
1	2	3	4	5	6	7	8	9	10	11
	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Rs.	Rs.	

N.B.—Boundaries include, besides the outer perimeter, the limits of enclosures of private or other lands within the forests, but not the limits of sub-divisions, such as blocks, compartments, coupes.

Camp

Date

191 .

Conservator of Forests, _____ Circle.

Forest Department, Bombay.

Annual Form No. 54, Bengal Forest Code.

Statement of Forest Areas Surveyed and under Survey
during 19 .

Forest Department, Bombay,

Annual Form No. 54,

33.

Forest Areas Surveyed and

Division.	Areas surveyed and under															
	Special surveys—Maps on 4" scale or over by Survey of India Department or Forest Survey Branch.									Ordinary, included in District Surveys.						
	With interior details.					Boundary Survey.				With interior details.					Boundary Survey.	
	With details of growing stock.		Without details of growing stock.		Total cost.			Total Cost.		With details of growing stock.		Without details of growing stock.		Total Cost.		Total Cost.
	Previous.	Of the year.	Previous.	Of the year.						Previous.	Of the year.	Previous.	Of the year.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Sq. m.	Sq. m.	Sq. m.	Sq. m.	Rs.	Sq. m.	Sq. m.	Rs.	Sq. m.	Sq. m.	Sq. m.	Sq. m.	Rs.	Sq. m.	Sq. m.	Rs.

Camp

Date

190

Circle.

[Section 417, S. O. F.]

Bengal Forest Code.

under Survey during 19

survey during the year.								Areas remaining to be taken under survey.	Total Forest areas at end of the year, as per Form No. 46.	Cost.			Re- marks
Chain and compass or other surveys by local officers.										Previous.	Of the year.	Entire Cost of all surveys to end of year.	
With interior details.					Boundary surveys.								
4-inch or over.		Under 4-inch.		Total Cost.	Previous.	Of the year.	Total Cost.	26	27	28	29	30	31
Previous.	Of the year.	Previous.	Of the year.										
18	19	20	21	22	23	24	25						
Sq. m.	Sq. m.	Sq. m.	Sq. m.	Rs.	Sq. m.	Sq. m.	Rs.	Sq. m.	Sq. m.	Rs.	Rs.	Rs.	

Conservator of Forests, Circle.

Forest Department, Bombay.

Annual Form No. 56, Bengal Forest Code.

Communications and Buildings during 19

[Section 417, S. O. F.]

Buildings during 19

[illegible]

Conservator of Forests, _____ Circle.

Annual Form No. 57, Bengal Forest Code.

36.

Register of Breaches of Forest Rules during 19

Forest Division and Civil District.	Cases pending from 19 -1	New Cases of the year.					Total cases.	Disposed of during the year.						Cases pending at close of year.
		Injury to forest by fire.	Unauthorized felling or ap- propriation of wood and minor forest produce.	Grazing with- out per- mission or in tracts in which grazing is prohibited.	Other offences.	Total new cases of the year.		Convictions.		Acquittals.		Total.		
								Cases.	Per- sons.	Cases.	Per- sons.	Cases.	Per- sons.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
						A*								
						B†								
						C‡								

* A.—Cases taken into court.

† B.—Cases disposed of under section 67, Indian Forest Act, 1878.

‡ C.—Cases undetected.

Camp

Date

Conservator of Forests, _____ Circle.

Forest Department, Bombay, _____ Circle. [Section 282, S. O. F.]
 38. Area of Forest successfully protected during the last
 seven years.

[Vide Government Resolution No. 248, dated 12th January 1904.]

Total Forest area of the Division,	Extent of valuable forest for which continuous protection from fire is desirable.	Proportion of valuable forest which has been continuously protected from fire for three years.	Extent of forest natu- rally im- mune from fires.	Extent of forest burnt during the year.		
				Open forest.	Closed forest.	Total.
1	2	3	4	5	6	7
	<p><i>N. B.</i>—This column will contain—</p> <p>(1) All forest included in Working Plans or proposed to be included in Working Plans.</p> <p>(2) Such areas of forest not included in (1) as may be deemed valuable by the Divisional Forest Officer.</p>	<p><i>N. B.</i>—A term of three years has been fixed as being a term of the information which may possibly be easily procurable. In future years the information of years succeeding 1902-03 will be added until the information for a term of seven years is attained.</p>	<p><i>N. B.</i>—This will include ever-green forest not liable to damage by fire.</p>			

Camp

Date

39.

Area closed and open to Grazing during 19

Camp

Date _____

19 .

Conservator of Forests, _____ Circle.

FORMS.

[illegible]

Camp

Date _____

19

Conservator of Forests, _____ Circle.

389

Annual Form No. 61, Bengal Forest Code. [Articles 265, 267, 268, 269, 5th edition.]
[Articles 269, 271, 272, 6th edition.]

41.

Artificial Reproduction during 19 -19 .

Division.	Kind of plantation.	Area in acres.				Expenditure during the year.		Total expenditure from commencement.		Revenue during the year.	Total revenue from date of creation of plantation.	Remarks.
		On 1st July 1904.	Added during the year.	Excluded during the year.	Area on 30th June 1905.	Creation.	Upkeep.	Creation.	Upkeep.			
I		3.	4	5	6	7	8	9	10	11	12	13
	REGULAR.						Rs	Rs.	Rs.	R	Rs	
	...											
	...											
	Total Regular Plantations.											
	CULTURAL OPERATIONS.											
	...											
	...											
	Total Cultural Operations.											

NOTE.—Upkeep includes cleanings, weedings, thinnings, filling up blanks, etc. Cultural operations are defined in the memorandum appended to Circular No. 10-F, dated the 5th August 1904.

Conservator of Forests, _____ Circle.

Forest Department, Bombay.

Annual Form No. 62, Bengal Forest Code.

Outturn of Timber and Fuel.

Forest Department, Bombay,

Annual Form No. 62,

42.

Outturn (in cubic feet, solid) of Timber and Fuel

Division.	Timber in the rough ; Logs.					Timber in the rough ; Poles.					Sawn or squared		
	Government.	Purchasers.	Free Grantees.	Right-holders.	Total.	Government.	Purchasers.	Free Grantees.	Right-holders.	Total.	Government	Purchasers.	Free Grantees.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.
<i>I. Reserved</i>													
Total.													
<i>II. Protected</i>													
Total.													
<i>III. Unclassed</i>													
Total.													
Grand Total.													

Charcoal should be shown by its equivalent in fuel, the quantity of wood

Camp

Date

19

Circle.

[Section 417, S. O. F.]

Bengal Forest Code.

during 19 -19 , and agency of exploitation.

Timber.		Miscellaneous.					Fuel.					Outturn.
Right-holders.	Total.	Government.	Purchasers.	Free Grantees.	Right-holders.	Total.	Government.	Purchasers.	Free Grantees.	Right-holders.	Total.	
15	16	17	18	19	20	21	22	23	24	25	26	27
C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.	C. ft.

Forests.

Forests.

State Forests.

consumed in producing it being entered in cubic feet solid.

Conservator of Forests, _____ Circle.

Annual Form No. 63, Bengal Forest Code:

43.

Outturn of Minor Forest Produce during 19 ____ -19 ____.

Division.	Description of Produce.	Produce removed or utilized.									
		By Government agency.		By Purchasers.		By free grants.		By right-holders.		Total.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
1	2	3	4	5	6	7	8	9	10	11	12
			Rs.		Rs.		Rs.		Rs.		Rs.
	Grand Total ...										

Camp

Date

19 ____

Conservator of Forests, _____ Circle.

APPENDIX.

Forest Department, Bombay, _____ Circle.

Annual Form No. 64, Bengal Forest Code.

44. _____ Circle, _____ Division.

Account of Timber and other produce cut or collected by Government Agency
and brought to Depôts, sold locally, or otherwise disposed of, during 19 -19 .

NOTE.—Timber and fuel to be given in cubic feet ; other minor produce in money.

Camp _____
Date _____ 19 ____ Forest Officer, _____ Circle.

Forest Department, Bombay, _____ Circle.

Annual Form No. 66, Bengal Forest Code.

46. Abstract showing the Value of Live and Dead Stock during 19 -19

[illegible]

Net difference in favour of the year—Rs.

Camp

Date 19 . Conservator of Forests, _____ Circle

ment, Bombay.

Bengal Forest Code.

Expenditure during 19

[illegible]

[illegible]

[illegible]

Budget Heads.	Direction.			Division.			Division.		
Brought over ...									
II. Travelling Allowances—									
a. Conservators ...									
b. Superior officers ...									
c. Subordinate forest and depôt establish- ments ...									
d. Office establishments ...									
Total B II ...									
III. Contingencies—									
a. Stationery ...									
b. Carriage of tents and records ...									
c. Rents, rates and taxes ...									
d. Pay of police guards ...									
e. Official postage ...									
f. Sundries ...									
Payments to officers of other Provinces ...									
Total B III ...									
Total B. Establishment ...									
Grand Total of Expenditure ...									
Surplus or Deficit ...									

Accountant General's Office,
Bombay,

[illegible]

Accountant General.
Chief Superintendent.

Forest Department, Bombay,

Annual Form No. 68,

48. Annual Account Current for the

	Rs.	a.	p.	Rs.	a.	p.
To Opening Balance						
" VIII. Assessed Taxes—Income Tax—						
Deductions by Government from Salaries and Pensions						
Tax on other sources of Income, Recoveries by Revenue authorities						
" IX. Forest (as per Annual Summary, Form No. 61)—						
" XII. Interests—						
Interest on Arrears of Revenue						
" XXV. Miscellaneous—						
Sale-proceeds of Stores and Materials (Provincial)						
Unclaimed Deposits—Other Deposits						
" Bombay Uncovenanted Service F. P. Fund						
Widows' Branch						
Life Assurance Branch						
" Civil Deposits—Forest Deposits						
" Advances Recoverable—						
Forest Advances						
Tentage Advances						
Objection Book Advances						
" Cash Recoveries						
" Cheques and Bills—Departmental Cheques—						
Forest						
" Forest Remittances—						
Remittances to Treasuries						
Inter-departmental Transfers						
<i>Accounts Current.</i>						
" Account between Bombay and Post Office—						
Postal Fund Deductions						
" Account between India and Bombay—						
III. Items adjustable by India						
" Account between Bombay and P. W. D., Bombay—						
IV. Items adjustable by P. W. D.—						
Payments into Treasuries by Civil Officers on account of P. W. D.						
Miscellaneous						
" Forest Officers' Provident Fund						
Total						

No. F. Forwarded to the Conservator of Forests,

Accountant General's Office :
Bombay, 191 . . }

[Section 417, S. O. F.]

Circle.

Bengal Forests Code.

year 19 .

	Rs.	a.	p.	Rs.	a.	p.
By 1. Refunds and Drawbacks—Refunds—						
Divided Heads, Forest					
" 11. Forest (as per Annual Summary, form No. 61)					
" 14. Interest on other obligations—						
Savings Bank Deposits—						
Interest on Forest Officers Provident Fund					
" 32. Miscellaneous—Miscellaneous Refunds—						
Lapsed Deposits					
" Civil Deposits—Forest Deposits					
" Advances Recoverable—						
Forest Advances					
Tentage Advances					
Objection Book Advances					
" Cash Recoveries					
" Cheques and Bills—Departmental Cheques—						
Forests					
" Forest Remittances—						
Remittances to Treasuries					
Inter-departmental Transfers					
<i>Accounts Current.</i>						
" Account between Bombay and Military, Bombay—						
IV. Items adjustable by Military					
" Account between Bombay and P. W. D., Bombay (Ordinary						
Branches)—						
IV. Items adjustable by P. W. D.—						
Inter-departmental Transfers					
Miscellaneous					
" Account between Bombay and P. W. D.—						
(Railway Branches—Railway)					
IV. Items adjustable by P. W. D.					
Closing Balance					
Total ...						

Circle, under Section 267 of the Forest Department Code:

Accountant General.

Annual Form No. 70.

50. Outstandings and Liabilities on account of Contractors and Disbursers during 19 .

Division.	Department Debtor.						Department Creditor.						Balance due						Remarks.						
	At commencement of year.			Recoveries in cash and value of supplies and work done during year.			At close of year.			At commencement of year.			Payments made during year.			At close of year.				To Department (outstandings).			By Department (liabilities).		
1	2			3			4			5			6			7			8			9			10
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	

Camp

Date

191 .

Assistant Comptroller General (Forest).

Annual Form No. 71.

51.

Financial Results of the year 19

Division.	Timber and other Produce removed from the Forests by Government Agency.		Other Revenue.		Formation, Protection and Improvement of Forests.	Total.		Remarks.
	Receipts.	Charges.	Receipts.	Charges.	Charges.	Receipts.	Charges.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Total ...								

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

APPENDIX.

Camp

Date

191.

Conservator of Forests, _____ Circle.

Index of correction slips.

No of correction slip	Date of posting	No of Section	Page No	No of Correction slip	Date of Posting	No of Section	Page No	Initial.
1	31. 1. 1914	18	6	28	2. 2. 1914	69	27	}
2	"	Footnote 3	50	29	"	69 a	50.	
3	"	Section 28	8 to 11	30	"	65 to 72 a	22 to 26	
4	"	Footnote # } to Section 28	11	31	"		28	
5	"	" 30	50	32	"	102	39	
6	"	Footnote	50	33	"	147 to 178	81	
7	"	Section 31 c	12	34	"	178 a	50	
8	"	" 36	13 to 15	35	"		113	
9	"	" 37	15	36	"	242	146	
10	"	Footnote # } Section 36	50.	37	"	50	149	
11	"	" 40	16	38	"	50	151	
12	"		17	39	"	50	145	
13	"		50	40	"	249	159	
14	"	Section 48	18	41	"	Footnote +	188	
15	"	Footnote # } Section 48	19	42	"	Section 372	241	
16	"	" 49	50	43	"		250	
17	"	Footnote + } to Section 49	50	44	"		50	
18	"	Section 51	20	45	"	Section 445	280	
19	"	Footnote # } to Section 51	50	46	"	" 113	54	
				47	"	" 248	228	
20	"	Section 59	21	48	8.4.1914	See 206	94	
21	"	Footnote 3 } to Section 59	50	49	"	Rule ²³⁴ 14	141	
22	"	Section 60	22	50	"	See 227	117	
23	"		50	51	"	" 245	157	
24	"	Section 67	26	52	"	" 206 a	95 to 96	
25	"	"	50	53	"	" 207 a	109	
26	2. 2. 1914	" 68	50.	54	"	" 207	107	
27	"	"	50	55	"	" 61	22	
				56	"	" 173	78 to 79	

Miss. Sec.

J. H. Hammond.

No of Correction Slip.	Date of Posting	No. of Section	Page No.	Initials	No of Correction Slip.	Date of Posting	No. of Section	Page No.	Initials
57	8-17-1914	288	179	J.P.H.					
58	"	301	198	"					
59	"	315A	275	"					
60	"	453	284	"					
61	"	469A	290	"					
62	9-5-14	40	16						
63	"	51	20						
64	"	Recd	XL						
65	"	"	XL						
66	"	"	XL						
67	"	"	XLIV						
1	23-2-15	382	243	B.W.					
2	"	"	"	B.W.					
3	23-4-15	383	244	B.W.					
4	"	"	244	B.W.					
5	"	"	Continued Range 2500- 4200 1890	B.W.					
"	"	"	SE 1420 on 1890	B.W.					
68	3-12-15	228	118 to 120	B.W.					
69	"	"	167-170	B.W.					
66 to 78	26/9/17			P.M.					
10 to 101	7/9/18			W.C.					